THE SOLICITORS' JOURNAL

AND

WEEKLY REPORTER

VOLUME LXV.

1920—1921.

16th OCTOBER, 1920, to 8th OCTOBER, 1921.

LONDON: 104-7, FETTER LANE, E.C.4.

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1921.

THE SOLICITORS' LAW STATIONERY SOCIETY, LIMITED,
PRINTERS,
104–107 FETTER LANE, LONDON, E.C.4.

The Solicitors' Journal

and Weekly Reporter

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(*ESTABLISHED IN 1857.*)

LONDON, OCTOBER 16, 1920.

ANNUAL SUBSCRIPTION, PAYABLE IN ADVANCE:

£2 12s.; by Post, £2 14s.; Foreign, £2 16s.

HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

******* The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.

All letters intended for publication must be authenticated by the name of the writer.

GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The President on the Law of Property Bill.

THE OBSERVATIONS of Mr. MORTON in his address at Liverpool on the Law of Property Bill constitute, so far as we are aware, the first comment on the Bill from the solicitors' branch of the profession. Conveyancing counsel, as our readers are aware from our frequent references to the subject, have been busy with criticism, and the coming session of Parliament should show whether an understanding has been reached which will enable the Bill to go through without prolonged controversy. And we understand that many suggestions from solicitors have been received and considered in the course of the drafting and amendment of the Bill. But the absence of public criticism by solicitors has been very noticeable, and, in particular, it is unfortunate that none of the papers read at the meeting was devoted to the matter. This is the more to be regretted as the vast experience which many solicitors have of conveyancing—in the country no less, perhaps, indeed, more, than in London—would have made a reasoned examination of the Bill very welcome. But possibly it was felt that the subject was one which ought to be left to the President, and this part of his address will be read with great interest.

Criticisms of the Bill.

THE MAIN provisions of the Bill Mr. MORTON accepts. He does not criticise the "curtain" provisions, and he approves, we gather, of the scheme enlarging the power of a tenant for life to deal, with the aid of the trustees, with settled land. But he looks with some regret on the proposed repeal of the Statute of Uses—"I confess to a preference for the present system of legal uses, to which we are all accustomed; it works simply, and does not require the intervention of trustees." But if it has been a handy instrument in conveyancing, it has

also been associated with intricate subtleties, and it is not easy to see how it can be reconciled with a simplified form of real property law. And Mr. MORTON is doubtful about the provisions with respect to tenancies in common. The idea of abolishing the Partition Acts and facilitating sales is good, but the machinery, he thinks, is needlessly elaborate. And he is not yet a convert to the effecting of mortgages by the creation of long terms. It is, of course, simply substituting one conveyancing device for another. He would stick to the absolute conveyance to the mortgagee. But really this is too archaic. The mortgagee is not the owner, and is not intended to be such until he forecloses. He requires neither the fee simple nor a term. He only wants a charge properly protected by registration, and with the necessary power of sale and entry into possession attached to it by statute. With a register of deeds the whole thing would be made quite simple, but we are afraid the Land Registry is too firmly established to make a deed registry practical politics.

The Extension of Compulsory Registration.

AND THIS brings us to the most important part of the President's observations, those in which he deals with the proposed alteration of the system established by the Land Transfer Act, 1897, for the extension of compulsory registration. Under that system, incorporated in section 20, the initiative in the extension of compulsion to any county after the county of London rests with the County Council. But no County Council has acted on this initiative, and the Bill, by clause 177, proposes to abolish it and to transfer the initiative to the Government—that is, practically, to the Lord Chancellor acting on the suggestion of the Land Registrar. The only checks are that two years' grace is allowed after the commencement of the Act before a new Order can be made, and that a public inquiry may be demanded. Mr. MORTON, in recommending the Bill as a whole to the support of the profession, excludes clause 177 (4), by which this change would be introduced. But we must point out that clause 177 forms an essential part of the Bill, and though it may be possible to obtain, as Mr. MORTON suggests, an extension of the two years' grace, we doubt whether it is practicable to exclude it from the Bill. All that is practicable is to ensure a reasonable period during which the simplified conveyancing introduced by the Bill can be got into working order, and its results compared with registration. For this purpose ten years would not be too long.

The Divorce Lists.

MAKING ALLOWANCE for the high figures which usually mark the Michaelmas Cause Lists—the result of growing arrears in the summer and of cessation of work during the vacation—yet the total of 4,548 appeals and causes which has now been reached looks like plenty of business for the court lawyer. A year ago the total was 3,607, but it had not before touched 3,000, and during the war was about 2,000 or below. And before the war the figure was nothing like the present total. At Michaelmas, 1913, it was 2,180. But all this comparison of figures is quite foreign to the general work of the Courts until the Divorce List has been subtracted. The total here (probate is included) is 2,628; a year ago it was 2,025; at Michaelmas, 1913, it was 528. In this, and in the Poor Persons Rules, to which, we believe, the present figures are mainly due, is to be found the main reason for the abnormal total of the figures in the cause lists. The moral is obvious, and though we have pointed it out before, we will do so again, and shall continue to do so until the jealous regard of the Divorce Division for its exclusive jurisdiction has been undermined. A vast amount of this work ought never to come to London at all. It only comes to London with the result either of great trouble and expense to suitors, or the denial of justice. Divorce work must be decentralized, and when the necessary and humane provisions of the Matrimonial Causes Bill have become law, this will be a still more pressing necessity.

The General Michaelmas Cause Lists.

BUT WHEN the improperly centralized divorce work has been taken away, the figures of the cause lists still shew an unusually large amount of business. The 246 appeals compare with 150 a year ago, and there is an advance to twenty-four in Workmen's Compensation—a matter the subtleties of which it might be thought had been exhausted. The Chancery Division lists have a total of 372 with 64 company matters, as against 263 and 41 at Michaelmas, 1919. The increase in the King's Bench Division work is not so marked. It was 1,049 a year ago, and is 1,125 now. There has been a drop in Divisional Court work, but an increase in actions for trial—965 against 852; so that, allowing for the extra-judicial work imposed on judges, the appointment of the two additional K. B. D. judges is likely to be amply justified. It may be doubted whether even the Chancery Division judges will be able to get through their work with reasonable despatch. It would be an advantage if the public and the profession were occasionally enlightened as to the arrangements for the oversight of the work of this division as a whole, including the work in Chambers.

The Close of the Long Vacation.

THE COMMENCEMENT of a new legal year and the passing of another Long Vacation is a time when one may take stock of the changes, actual or impending, in the legal profession. Some judges are said to be going, but they have not yet gone. New judges have been at work in the Long Vacation, and have shewn their mettle. Mr. Justice ACTON, in particular, has won golden opinions. Austere, reserved, dignified, but ever courteous, he is a trifle more academic in manner than most judges of to-day. Certainly this first arrival from the ranks of the county court judges does not betray his origin; no one would suspect from his calm, unhurried, even leisurely, manner that he has spent some years of his life amid the worry and bustle of the county court bench. Perhaps the only characteristic, and that not an outward, but an inward, mark, which does owe its origin to a county court career is a certain tendency to despise rules of procedure and to take short cuts to his goal This is easier in a vacation judge than during term; but judges who ignore procedure have to walk warily if they would avoid pitfalls. We noticed that the learned judge on an *ex parte* application the other day enjoined a man against drawing on his bank account! No Chancery Judge and few High Court Judges would have cared to attempt so bold an innovation. But we mention this, not in criticism, but merely as a sign of the somewhat changed spirit likely to be introduced into the High Court by the presence there of successful county court judges. We trust that the Lord Chancellor's bold but happy experiment will be followed, and that in the fulness of time the High Court Bench will become the natural resting place for an able county court judge of high reputation; in fact, will be looked forward to as the goal of faithful and first-rate service below, just as the Court of Appeal is now a reward for good service as a puisne judge. It is an excellent thing that the Supreme Court should renew its youth, and achieve increased elasticity by learning from judges who have ministered in their office to a humbler class of litigants in more summary environments. We should not even greatly regret the promotion to the High Court Bench of an occasional successful stipendiary, although we recognize that the absence of civil jurisdiction in magisterial courts deprives magistrates of practice in administering the civil law, and so is somewhat of a disqualification.

Education and the Liverpool Meeting.

WE HAVE already referred in these columns to Sir NORMAN HILL'S interesting paper on the Education of the Solicitor. The subject, however, did not arouse so much interest at Liverpool as did others affecting more immediately the work of the individual solicitor. It is, nevertheless, so important that we make no apology for adding some further considerations in regard to the subject. It may be admitted, frankly, that the education of lawyers, whether barristers or solicitors, is not at

present on a satisfactory footing. The provision made is not adequate, and the lines are not quite the best. Such education as is provided for solicitors by the Law Society is entirely technical—*i.e.*, it is confined to legal subjects. Even these are taught chiefly from an immediately professional view. Now we do not underrate the importance of purely technical training in the legal or any other vocation. Such training is immensely important. But it is not everything. Every man is not only a worker, professional or manual, he is also a citizen, and, what is still more important, a human being. Education, therefore, should be threefold. It should include a civic and a humanistic element as well as a technical or vocational one. It seems highly desirable, then, that the education provided for articled clerks should include something that ministers to their civic and their cultural or humanistic needs. We would suggest that the Law Society should divide its school of law into three departments. The first would provide technical legal education, with a view to assisting its students in negotiating the fences of the professional examinations, intermediate and final. It might also assist in preparing them for the London LL.B. degree (external). The second, a much smaller department of course, would provide lectures and classes in such subjects as civics, economics, history, sociology, psychology. We regard these as very important from the civic point of view—and lawyers, whether barristers or solicitors, are almost inevitably public men. They have to take a part in local or national politics, and frequently bear a part in public administration. The public relies on the lawyer to defend his liberties against bureaucratic interference and excessive governmental control. He also relies on the lawyer for sound advice on the conduct of his affairs, and no advice on these matters can be other than unsound if it is narrow; and can it be other than narrow unless the solicitor who gives the advice has a broad knowledge of affairs? Again, the third and smallest department might well provide purely cultural or humanistic education in, say, philosophy and popular science and literature. Such culture, again, is essential to the solicitor who wishes to be a man of the world, as every solicitor ought to be if he is to serve his clients wisely. Of course, some articled clerks have received this cultural training at the universities; but the majority of solicitors must long remain non-university men, and need special facilities to acquire the university spirit and culture

Education in the Provinces.

We also feel that something should be done to push and to co-ordinate the somewhat sporadic efforts to provide legal education in the provinces. At Cardiff, Liverpool, Manchester and other centres the local law societies have made arrangements, usually with university authorities, to provide special lectures on legal subjects to law students and law clerks, whether or not they are articled. But this should be done everywhere in the provinces. England is now full of provincial universities and university colleges. Even such towns of second rank in wealth and population as Northampton, Reading, Exeter, Plymouth, Portsmouth and Nottingham have their local colleges of university rank; and, of course, Bristol and some twenty of the large towns have flourishing universities. It seems desirable that in each university centre of the thirty or so which now exist in England an effort should be made to include legal education in the curriculum. Where the college itself grants a law degree, so much the better. Where it does not, the example of Reading and Cardiff might well be followed, and the university itself might prepare pupils for the external degrees of London University. Nor should the effort stop here. The articled clerk and the law clerk in country towns or small towns without a university ought also to have legal education provided for him. The local solicitors might well form a society, if none already exists, to secure this. At one time such provision was not an easy matter. But the Fisher Education Act of 1918 has given ample powers to local education authorities to provide higher and technical education of every kind; and to do them justice these authorities are not averse from the exercise of their powers. Indeed, the ratepayer is more likely to criticize the educational extravagance of these authorities than the educationalist to condemn them for niggardliness. We cannot see why lawyers, more especially that Cinderella of the legal and, indeed, the clerical world, the law clerk, who is not, and never hopes to be, articled, should not get their fair share of the educational benefits for which they have to pay as ratepayers. Now all towns, even small ones, have in these days a municipal college, or at least a municipal evening institute in which university or, at any rate, higher education is provided. Such institutes seldom have any law classes or a legal department. They ought to have one. It is the duty of solicitors to see that they do have one. They must urge the local authority to open the classes, and must urge their clerks to attend them. Nor need the effort be confined to purely technical classes in law. Lectures on law of a humanistic type—say on the Inns of Court or the History of the Chancellors—would attract the general public as well, and do much to soften the present popular suspicion of lawyers.

Printers' Phthisis.

To the philosopher, *nihil humani alienum*. In these pages our sympathies are not so extensive, though at times they carry us pretty far. But we need not apologise for taking an interest in matters affecting the health of the compositors, without whose work these pages would not see the light, and we were attracted, therefore, by the letter on "Printers' Phthisis, from Mr. E. Halford Ross, which appeared in the *Times* on Thursday. It seems that there is a fair chance of the pulmonary tuberculosis which affects printers, and in particular compositors, being traced to the "list" which accumulates where compositors work—in boxes, trays, etc.—and that the list can be removed by the use of suction bellows or similar apparatus, and its deleterious effect avoided. Some firms are already adopting these methods, and it is interesting that those which Mr. Ross mentions are firms so well known to solicitors as Messrs. Waterlow and the Solicitors' Law Stationery Society. We are glad to see the scourge of English homes being combated in this way.

A Solicitors' Mutual Trustee Society.

Mr. Morton's address at the Liverpool meeting last week dealt, as is usual on such occasions, with a wide variety of subjects of current interest. Some of these, such as Solicitors' Remuneration and Crown Procedure, we shall discuss in connection with the papers read at the meeting—on Solicitors' Remuneration by Mr. John L. Williams, and on Crown Procedure by Mr. John Paxton, both of Liverpool. In connection with the simplification of the Rules of the Supreme Court, Mr. Morton paid a well-deserved tribute to the work of Sir Thomas Willes Chitty, in making a commencement of cutting out or redrafting rules, which experience or changes in practice have shewn to be unnecessary or erroneous; and the consolidation of the Judicature Acts—a task which the President hoped might be taken in hand during his year of office—has long called for attention. But the main subjects of the address were the proposal for the establishment of a Mutual Trustee Society, the Law of Property Bill with its suggestion—or promise—of the extension of compulsory registration of title, and the growth of the Bureaucracy. In this article we will deal only with the first.

The establishment by solicitors of a Mutual Trustee Society is offered as an alternative to the further spread of the activities of the Public Trustee. Mr. Morton recognises the advantages of a corporate trustee, but he considers that the inconveniences attached to the administration of trusts by a Government department tend to increase rather than diminish. With the growth of the Public Trustee's office has come the decentralization of administration—the dissection of the affairs of a particular trust into separate parts, and the allocation of the

parts to different officials—with the consequent inconvenience and delay. This is a disadvantage which, it appears, is being felt in practice, and to which attention can properly be called. But the general objection that the Public Trustee is unable in the nature of things to give that sympathetic attention to the affairs of the beneficiaries which they usually receive from private trustees is one which was advanced and overruled when the Public Trustee's office was established. It is useless to raise it now. The matter is one for the decision of the testator or settlor in the first instance, and, at a later date, for the beneficiaries themselves. If the advantages of security and official administration are felt to outweigh its disadvantages, or if the services of private trustees cannot be conveniently obtained, then the Public Trustee is appointed, and the statistics of the office show that this is done in a large number of cases. To a less extent recourse is had to banks and other corporate bodies which have established trustee departments, but, as Mr. MORTON pointed out, they have not the same powers of charging for their services as the Public Trustee, and this has militated against their employment. In Mr. MORTON'S view, the Public Trustee office will continue, but will, as time goes on, command less support from the public.

We are afraid it is a somewhat hazardous opinion to express. Certainly it is not in accordance with the experience of the office so far. True, this only covers twelve full years, but in that time the yearly number of cases accepted has increased from 381 to 1,950, and the estimated value of the trust estates from some three millions in 1908-9 to nearly twenty millions for 1919-20. However, Mr. MORTON thinks that the present time is suitable for suggesting the formation by solicitors of a Mutual Trustee Society "not run for profit, which would conduct no other kind of business, and merely charge sufficient to enable it to meet its expenses, including the cost of making good breaches of trust for which it is by law responsible." Essential features in the scheme are that the society would be managed by a general manager under a paid board of solicitor-directors, and that the family solicitor would be employed so long as he did his work properly. "The Mutual Society would charge fees for its services, and would, if sufficient business flowed in, charge somewhat lower fees than those which will be charged by the Public Trustee, and at the same time build up a reserve fund to meet contingent claims against it." The manager must have been a practising solicitor with special experience in trust affairs, and the Board of Directors would be composed principally of practising solicitors, with other appropriate professional men—chartered accountants, valuers, and so on—all appointed by the Council of the Law Society; and there would be a guarantee fund. But, says Mr. MORTON, "given an efficient staff, intelligent organization, and the imposition of business checks, commonly and ordinarily imposed by all commercial undertakings, the risk of fraud or loss to the trust estate is negligible."

With 1,000 trusts of various sizes secured—the Public Trustee has at present between 16,000 and 17,000 under his control—Mr. MORTON considers the Society could pay its way, and he sees no difficulty in getting this number. "If the support of the profession as a whole could be obtained, the Society must succeed." Mr. MORTON looks to such a Society to secure the efficient and prompt administration which, in his view, is lacking in the Public Trustee office, coupled with security against misappropriation, and it should be an efficient rival to the State Department. But we do not gather that it would be any more ready than the department to fulfil what Lord LINDLEY in his evidence before the Trusts Administration Committee of 1895, said was the chief function of a private trustee. "I was brought up in the chambers of one of our best equity men, Lord Justice SELWYN, a very good equity lawyer, and a first-rate business man, and he used to impress upon his pupils the doctrine that the only use of a trustee was to commit judicious breaches of trust. I do not say that I acted upon that when I was advising my clients; but there is an immense deal of good sense in it." But sense of this nature is foreign to the corporate trustee, whether private or public.

We should be sorry to throw cold water upon Mr. MORTON'S scheme, and if he can win the practical sympathy of the profession, there is no reason why it should not be tried. But, the obvious objection to it is that it comes too late. In the interesting book "Concerning Solicitors," which we notice below, we are reminded that one of the outcomes of the solicitor-trustee frauds of 1900 was the proposal for a Guarantee Fund among solicitors, but it "failed to gain acceptance. So it happened that the lovers of Bureaucracy again won the day, and appointed the Public Trustee to look after all trusts, and especially the estates of poor people." It seems to us that this summarizes the situation. The establishment of a public department may, perhaps, be prevented by anticipatory measures, but if these measures have not been taken, and the department has been established and has proved itself, as in the case of the Public Trustee, a *primâ facie* success, there is small chance, in these days of progressive collectivism, of private enterprise catching it up. Hence, we cannot do more than say that if Mr. MORTON'S scheme materializes, we shall watch its progress with sympathy and interest.

The Vocation of a Solicitor.

IN his amusing preface to a very interesting recent work, "Concerning Solicitors," * Mr. AUGUSTINE BIRRELL tells of a remark which Sir WILLIAM GILBERT, of GILBERT and SULLIVAN fame, once made in his presence. GILBERT was himself a briefless barrister and knew much of the law and its ways, as his operas clearly indicate to all discerning spectators. He knew the world of barristers and also that of solicitors. A quiet cynicism and a grave humour pervaded all his remarks about men and things. The remark which AUGUSTINE BIRRELL records was in GILBERT'S happiest vein. He stated that if a strange clergyman is suddenly introduced into a small company of English ladies and gentlemen there is noticeable a slight bustle, a little flutter, a sensation—if only of the very mildest description—which passes round the company, especially if the ladies rather predominate in number. Yet were the same stranger introduced as a "solicitor of the High Court," nothing of the kind would happen. To the author of "Patience" this seems exceedingly curious.

Mr. BIRRELL'S comment on this remark is that he had never himself witnessed the experiment; indeed, I do not suppose any of us have ever seen a solicitor introduced and described as such by his host or hostess to a company of ordinary people in an ordinary drawing-room. A barrister might possibly be described as such when introduced, but a merchant, a banker or a solicitor never. The explanation, we suppose, is that a barrister, like a priest or an officer in the Army or Navy, or a member of the House of Commons, bears a certain rank as such and is *primâ facie* a privileged person. But business men, civil servants and solicitors stand in society on their own merits, and are esteemed, not because of any adventitious rank that their profession confers on them, but in virtue of their personal merits. His birth, school, university, dress, appearance, manners and conversational gifts are the solicitor's passport to the society he frequents.

This indicates one very important practical difference between barristers and solicitors. A solicitor is essentially a man of business, and is weighed and judged as men of business are judged. But a barrister still is somewhat of a figure apart in the world, like a college don or a clergyman, who is judged rather on his standing as a member of an interesting and romantic privileged corporation, than on his quality or success in the world of business. The wig and gown partly account for this. The romantic environment of the Inns of Court accounts for much more of it. The glamour of the great professional traditions of the Bar also goes a long way in the same direction. The fact that barristers are the embryos from which are hatched the judges and the Chancellors has also its effect. But much is also due to the learning of the Bar, its absorption in law books, its freedom from the worrying details of business administration and finance. From these the solicitor cannot escape.

The solicitor has grown in status and esteem of late years. Readers of fiction know that he stands higher to-day in the esteem of the novelist than he did in that of SCOTT or even of TROLLOPE. In SCOTT, although Sir WALTER'S own father was a Writer to the Signet—*i.e.*, a member of a specially privileged order of Scots Solicitors—we find the "Writer," *Scotice* for solicitor, seldom appearing as other than a crafty and rather obsequious man of

* Concerning Solicitors. By "One of Them." Chatto & Windus.

business, with a tight grip on the money bags and ever out to take advantage of his neighbours' scrapes. "Gilbert Glossin," in "Guy Mannering," is the type and exemplar of the eighteenth-century solicitor in the esteem of the gay world. "Lawyer Case" in MARIA EDGWORTH'S once-popular "Simple Susan," was almost equally notorious as the exemplar of all that was knavish. And in TOM WARREN'S "Ten Thousand a Year" there appear a whole group of attorneys, every one of whom is represented as a rogue, and only one of whom is a gentleman as well as a rogue. By DICKENS and THACKERAY, of course, the solicitor is caricatured rather than described, as are all other social classes. But perhaps he stands a little higher in the esteem of both those writers than he did with the author of the Waverley Novels. Indeed, in the course of the first half of the nineteenth century, the solicitor is gradually ceasing to be regarded as necessarily a knavish person, and at the same time he is ceasing to be known by the opprobrious epithet of "attorney."

In TROLLOPE we find that the knave has disappeared, and his place is taken by the respectable man of business. The "attorney" has gone; the "solicitor" has arrived. But he is still treated as rather a social new-comer, and his entry into good society is regarded as something of a personal achievement whenever it occurs. Lovers of TROLLOPE will remember how, in "Doctor Thorne," the eminent London solicitor, Mr. Mortimer, who moves in good society, is rejected as a husband by the squire's daughter, who loves him, because he is "outside her set": a gentlewoman cannot marry a solicitor. But he is accepted by the earl's rather *passé* daughter, whose rank enables her to snap her fingers at public opinion and marry anyone she pleases. Mr. Mortimer is drawn in a friendly spirit, and the reader respects him. He is an "old young man of thirty-eight," as TROLLOPE puts it, who rides in Rotten Row, dances well, and attends constantly at society "At Homes"—but carefully refrains from making himself obtrusive. He is conscientious, and a very honest, capable man of business. He can be trusted implicitly, and can be relied on as a confidant. His home in Hamilton Terrace, St. John's Wood, becomes almost a minor centre of society.

One sees that by TROLLOPE'S time the solicitor has lived down the old prejudice and is recognized as a gentleman. But he still stands somewhat on the threshold as regards social recognition and public esteem. All that has passed. To-day, solicitors are Cabinet Ministers, Peers, and Privy Councillors; the Premier is a solicitor. They are found in all the clubs. They are readily acceptable as Parliamentary candidates. They sit on Royal Commissions, and take a considerable place in the world alike of sport, of fashion, and of learning. It must be admitted that they do not enjoy the special prestige of the Bar, but they enjoy a place of their own, one of dignity and respect. But it is rather as the confrère of the banker, the underwriter and the merchant, that the solicitor is classed; in other words, in the towns at any rate, he is felt to belong rather to the business than the professional world.

Nowadays the world is changing very rapidly indeed. Women are becoming barristers and solicitors and justices of the peace. Trade unions, with their Councils of Action, are beginning to claim no inconsiderable share in dictating the policy of the country. Old social landmarks are disappearing. The solicitor of to-day is fully abreast of the times. He embarks in many forms of enterprise once abhorred of his profession. Like the modern lawyer, he takes an active part in business and the management of investments. He runs political campaigns. He is trusted as a business negotiator. He forms companies and arranges loans. He not infrequently manages for a client a landed estate, a large factory, or even a mining undertaking. All sorts of work seem to come his way if he chooses to take them. He rivals the Bar in advocacy before Police and County Courts, and his admission to plead in the High Court can scarcely be any longer delayed. He is like ULYSSES, a man of many wanderings and many parts.

But side by side with busy modern firms and up-to-date solicitors there exist countless old-fashioned firms in town and country alike. We prefer the old limitations and the ancient ways. These firms confine themselves to legal advice, conveyancing, probate, and the management of their clients' litigious affairs. They eschew finance. It is for these quiet firms and quiet solicitors, who love their calling as a profession, who feel that they have a "vocation" for it, that the author of "Concerning Solicitors" appeals. He takes a high view of his profession and its vocation in the world of human affairs. To him the solicitor is, or ought to be, something between a knight-errant and a father confessor. It is his duty to protect the weak and helpless. His duty, too, it is to warn and advise the ignorant and the foolish. He is the family adviser—from the cradle to the graveside. Indeed, he must be prepared to bury his client if he be desired to do so. He should find his highest happiness in making peace and in ministering to mankind. It is a noble ideal. No man is the worse off for holding it or attempting to live up to it. Every profession does well to cherish some such ideal of its own highest self.

The everyday solicitor is a plain business man, not an idealist. He may not rise to the height of our anonymous author. But he respects himself as an honest man and attempts to aid his clients with clean and honest action. In the trials of business and of domestic life, in romance and in squalidness, in religion and in stockbroking, in sin and in saintliness, men and women are ever encountering unexpected embarrassments which their limited experience of life does not assist them to surmount. Thus the man of the world with a wider experience is needed to help and advise. That man of the world is the solicitor. It is as this honest, shrewd, wise, cautious and high-minded man of the world that the solicitor can best serve his generation.

Res Judicatæ.

Accord and Satisfaction.

A BRANCH of the Common Law about which no one knows much is the *quaestio vexata* of "Accord and Satisfaction." Even Anson failed to make clear the distinction between a "satisfaction" which releases a debt, and an "accord" which is not enough so to do, and no other commentator on the Law of Contract has gone within a thousand miles of making the point clear. Therefore each new decided case on this point is always interesting. In *Elton Cop Dyeing Co.* v. *Robert Broadbent & Sons (Limited)* (89 L. J. K. B. 186), the Court of Appeal have recently had the point before them. Here a contract had been broken, so that a cause of action had arisen for the breach. The parties entered into a new agreement in connection with the *res litigiosa*. By this A accepted from B, the contract-breaker, a new promise in return for a new promise of A *plus* A's release of his *chose in action*. The question then arose whether the new substituted agreement was to be taken in complete discharge of the old cause of action by A, or merely in conditional discharge, so that on breach of the substituted agreement by B, A's old right of action would revive in addition to his new one. In other words, was the substituted agreement an "accord and satisfaction" or a mere "accord"? The Court of Appeal held (1) that such a substituted agreement might be a satisfaction as well as a mere accord, (2) that the question, whether it was so, depended on the circumstances attending its inception, and (3) that the character of the document might be taken into consideration in determining which of the two it was.

Vesting in Bankruptcy of a Right to Damages.

A curious point was decided by the House of Lords, reversing the Court of Appeal, in *Wilson* v. *United Counties Bank (Limited)* (1920, A. C. 102). Here a trading customer sued a bank for negligence. His allegation was that the bank had agreed with him to supervise the financial side of his business while he was absent on military service and to take all reasonable steps to maintain his credit and reputation, but had neglected to do so, with the result that he had become bankrupt. A jury awarded £45,000 odd damages for injury to the plaintiff's business, and £7,500 for injury to his credit and reputation. The action had been taken jointly by the plaintiff, a bankrupt, and his trustee in bankruptcy. Now, various interesting questions arose here. The first obviously is whether both those rights of action passed to the trustee in bankruptcy; the House held that the claim in respect of injury to credit and reputation did not so vest, but remained in the bankrupt. The second question was whether, in such a case, the bankrupt must prove special damage in order to recover substantial damages for injury to his credit and reputation in a matter not affecting his personal honour and character; the House held proof of special damage to be unnecessary, since a trading credit and reputation are a matter of substantial value at all times and in all circumstances. A third question was whether the damages were *primâ facie* so excessive as to justify the order for a new trial; this the House of Lords did not consider to be the case.

Valuable Consideration.

Sometimes interesting points of what is usually considered rather equity law than common law get settled in bankruptcy proceedings by a King's Bench Judge. *Re McDonald, Ex parte M'Cullum* (1920, 1 K. B. 205), is a case in point. The judge here was Mr. Justice Horridge, sitting in Bankruptcy. A debtor had entered into a voluntary separation agreement with his wife. By an ante-nuptial settlement made in 1900 the debtor had settled

voluntarily the income of certain investments on himself for life. In 1913 he transferred this income to his wife. In 1915, after the separation, he executed a post-nuptial deed transferring to his wife his life interest in the funds comprised in the voluntary settlement referred to. There was no provision in the separation deed or elsewhere which restrained the wife from suing him for maintenance. In July, 1917, the debtor committed an act of bankruptcy, and in 1918 an adjudication order was made. The debtor failed to prove that in 1915 he could pay all his debts without the aid of the property comprised in the settlement, so that it failed against the trustee in bankruptcy, if merely a voluntary settlement. But in view of the separation agreement, it was contended for the wife that she had given "valuable consideration" for the settlement, *i.e.*, by entering into the separation agreement, so that she had the privileged position, as against the trustee in bankruptcy, of being a purchaser for valuable consideration. The point is a fine one. But in the absence of a covenant not to take proceedings for maintenance, Mr. Justice Horridge could not see that the wife did give any consideration—at any rate any "valuable consideration"—for the settlement in 1915, and he found in favour of the trustee.

Liability of Carriers.

In these days, when railway companies are not unduly beloved by a perhaps somewhat unreasonable public, three recent cases decided for or against railway companies will not occasion any general grief and lamentation. In *Gould* v. *South Eastern and Chatham Railway Co.* (Divisional Court, 1920, 2 K. B. 186), the short point was whether a carrier, sued for damage to goods injured during transit, can set up as a defence the fact that the goods were insufficiently packed, when he knew that fact at the time of delivery to him. Such knowledge rather looks like an estoppel, but the Court held otherwise, and ruled the plea in order. Again, in *London and N.W. Railway Co* v. *Ashton (J. P.) & Co.* (1920, A. C. 84), the House of Lords had before them an appeal in which three packages of fur, each above the value of £10, had been lost during transit. The plaintiffs had made no declaration as to value required by section 1 of the Carriers Act, 1830. There was no evidence as to how they were lost, so that the carrier was primarily liable by virtue of his duty to deliver safely at his peril. The transit had been partly by land and partly by sea. But the Carriers Act, 1830, only governs transit by land, so, in the absence of evidence as to whether the loss took place on land or sea, the House of Lords held that the plea could not be set up, and found in favour of the consignors. In the third case, *London and N.W. Railway Co.* v. *Richard Hudson & Sons (Limited)* (1920, A. C. 324), the transit was also partly by land and partly by sea. The goods sent were damaged at sea owing to defective sheeting; the loading and sheeting were performed by the consignors themselves, under an agreement with the railway company. The consignees sued. The House of Lords held that the carriers were liable to the consignee-plaintiff for damages done to the goods by the defective sheeting, notwithstanding that the consignors were really the authors of the damage, because for this purpose the consignors were the carriers' agents, and the doctrine of *respondeat superior* hit the carriers as their principals in respect of the loading and sheeting.

Reviews.

The Interpretation of Statutes.

THE INTERPRETATION OF STATUTES. By the late SIR PETER MAXWELL, Chief Justice of the Strait Settlements. First Edition. By W. WYATT PAINE, Barrister-at-Law. Sweet & Maxwell.

"Maxwell" has gone through six editions since the late Chief Justice of the Straits Settlements first published it in 1875. It still remains the classic work. The present edition is, indeed, rewritten and brought up to date, but the familiar style has not been substantially departed from. "*Benignius Leges interpretandæ, quo voluntas earum conservetur*" is the motto from Justinian that Sir Peter adopted for his treatise, and the book has helped to win for statutes that "benevolent construction" for which the motto asks.

Maritime Law.

MARITIME LAW. By ALBERT SAUNDERS, Solicitor. Second Edition. Effingham Wilson.

It is twenty years since the first edition of this interesting book appeared. War legislation has rendered necessary a second, and of this we are glad, because the book is a good one, which deserves to be better known, and as our copy required bringing up to date. The plan of the work is unusual. The author, a solicitor with a practical shipping connection, takes the history of a ship from the building contract until it finally becomes a "total wreck," and compels it to undergo every imaginable sea adventure possible to ships between those two events. He then discusses the legal problems arising out of those adventures. We learnt our own shipping law from this book two decades ago, and know not any work in which we could have learned so much that is practical and useful.

Egyptian Law.

THE EGYPTIAN LAW OF OBLIGATIONS. By Professor F. P. WALTON, Advocate of the Scottish Bar. Two Volumes. Stevens & Sons.

In these days when Egypt is about to be recognized as an independent State, subject to British control of foreign policy, just as Cuba is to that of the United States, this book is extremely interesting. It discusses the native law of Egypt as modified in practice by the dominant wills of France and England, expressed in their respective systems of laws. It will be very interesting, a generation hence, to see how much of our common law will be retained, on account of its justice and convenience, by an Egypt free to reject it. This work will thus provide a useful and accurate summary of the state of the law in one important branch at the date when our influence ceased to be all-powerful.

Books of the Week.

Practice of the Supreme Court.—The Annual Practice, 1921. Being a Collection of the Statutes, Orders and Rules relating to the General Practice, Procedure and Jurisdiction of the Supreme Court, with Notes, &c. By RICHARD WHITE, a Master of the Supreme Court; FRANCIS A. STRINGER, of the Central Office; GEORGE ANTHONY KING, Master of the Supreme Court (Taxing); and ROBERT E. ROSS, LL.B., Barrister-at-Law. Thirty-ninth Annual Issue. 2 vols. Sweet & Maxwell (Limited). Stevens & Sons (Limited). 50s. net.

The A.B.C. Guide to the Practice of the Supreme Court, 1921. Fifteenth Edition. By F. R. P. STRINGER, of the Central Office of the Supreme Court. Sweet & Maxwell (Limited). Stevens & Sons (Limited). 8s. 6d. net.

Company Law.—Company Law and Precedents. Second Edition. By ARTHUR STIEBEL, Barrister-at-Law. 2 vols. Sweet & Maxwell (Limited). 84s. net.

Debentures. The Purposes They Serve and How They are Issued. By HERBERT W. JORDAN. Ninth Edition. Jordan & Sons (Limited). 1s. 6d. net.

Criminal Appeals.—Criminal Appeal Cases. Edited by HERMAN COHEN, Barrister-at-Law. May 17; June 7, 8, 21, 28; July 12, 26, 27, 30; August 25, 1920. Sweet & Maxwell (Limited). 6s. net.

Meetings.—How to Conduct a Meeting. Standing Orders and Rules of Debate. Parliamentary Practice explained and adapted for the use of Local Governing Bodies, Labour Organisations, Friendly Societies, Sports Associations and Debating Societies. By JOHN RIGG. George Allen & Unwin (Limited). 2s. 6d. net.

Income Tax.—Income Tax for Year 1920-21. Rates, Relief, Repayment. Fredc. C. Mathieson & Sons. 2s. net.

Income Tax Chart, with Supplement for Excess Profits Duty and Corporation Profits Tax. Compiled by CHARLES H. TOLLEY, A.C.I.S., Accountant. Fifth Ed. Waterlow & Sons (Limited). 2s. 4d. net.

Evidence.—A Treatise on the Law of Evidence as administered in England and Ireland; with Illustrations from Scotch, Indian, American and other Legal Systems. By His Honour the late Judge PITT TAYLOR. Eleventh Edition. By JOSEPH BRIDGES MATTHEWS, K.C., and GEORGE FREDERICK SPEAR, Barrister-at-Law. 2 vols. Sweet & Maxwell (Limited). £5 net.

Common Law.—The Common Law of England. By W. BLAKE ODGERS, M.A., LL.D., K.C. and WALTER BLAKE ODGERS, M.A., Barrister-at-Law. Second Edition. 2 vols. Sweet & Maxwell (Limited). £3 10s. net.

Bankruptcy.—The Principles of Bankruptcy, embodying the Bankruptcy Act, 1914, and other Statutes, with Leading Cases on Bankruptcy and Bills of Sale, Rules, and Scale of Costs, Fees, and Percentages. By RICHARD RINGWOOD, M.A., K.C. Thirteenth Edition. By ALMA ROPER, Barrister-at-Law. Sweet & Maxwell (Limited). 25s. net.

Railway and Canal Traffic Cases.—Reports of Cases Decided by the Railway and Canal Commissioners. By RALPH NEVILLE, LL.M., W. A. ROBERTSON, B.A., and W. S. KENNEDY, LL.B., Barristers-at-Law. Vol. 16. Sweet & Maxwell (Limited). £3 3s. net.

Australian Law.—Australasian Judicial Dictionary. By C. E. A. BEDWELL, Keeper of the Middle Temple Library. Sweet & Maxwell (Limited). £1 15s. net.

Ecclesiastical Law.—A Summary of the Law and Practice in the Ecclesiastical Courts. By T. EUSTACE SMITH, Barrister-at-Law. Seventh Edition. By H. GIBSON RIVINGTON, M.A. (Oxon), and A. CLIFFORD FOUNTAINE. Sweet & Maxwell (Limited). 12s. 6d. net.

Water.—The Law of Water in Greater London. By HENRY O'HAGAN, Barrister-at-Law. Stevens & Sons (Limited). 20s. net.

Comparative Legislation.—The Journal of the Society of Comparative Legislation and International Law. Edited by Sir JOHN MACDONELL, K.C.B., LL.D., F.B.A., and C. A. BEDWELL. Third Series. Vol. 2, Part 3. October, 1920. Society of Comparative Legislation. 6s.

Workmen's Compensation. — Workmen's Compensation and Insurance Reports, 1920. Part 2. With Annotated Digest. Edited by W. A. E. WOODS, LL.B., Barrister-at-Law. Annotated Index by GILBERT STONE, Barrister-at-Law. Stevens & Sons (Limited). Sweet & Maxwell (Limited). Scotland: W. Green & Son (Limited). Annual subscription, 25s. post free.

Review.—The Sittings Review (with which is incorporated the Students' Companion and the Articled Clerks' Annual). A Quarterly for Students of the Law. Edited by R. A. STEELE. Michaelmas Sittings, 1920. H. S. Pickles, Barum House, Halifax. 2s. 9d. post free.

Correspondence.

Corpse Ways.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—I enclose you a page of the "Addington Parish Magazine."

Addington used to be the seat of the Archbishops of Canterbury, and the church bears the "Pallium" on its porch, shewing that the See of Canterbury at one time owed allegiance to Rome.

The tenure of Addington is in Serjeanty—I hesitate to say grand or petit—but the duty is to present a mess of pottage to the Sovereign (if required) on his coronation; so it would look more like petit than grand.

The interesting point is that a due was paid for carrying a corpse across a close, and I should like to find the reason for this, as all my books are silent on corpse ways.

At any rate "Puseyfoot" did not dominate Addington in those days, and may he never do so, and the allowance to the woman who laid out the corpse of 1s. for gin almost assumes the proportion of a libation. E. T. HARGRAVES.

By the way, the Macmillan edition of Tennyson gives "A land of just and old renown," not "A land of old and just renown," and the Laureate was very down on any misquoter of this passage.

80, Coleman-street, London, E.C. 2.
13th October, 1920.

[Mr. Hargraves is quite right about the misquotation; we followed too readily the print of Mr. Morton's address. We give the relevant passage from the "Addington Parish Magazine" elsewhere. Perhaps some of our readers can explain the belief as to corpse ways.—ED. *S.J.*]

Alterat ons at the Law Courts.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—We have been hoping to see in the SOLICITORS' JOURNAL some explanation of all the alterations being made in the rooms at the Law Courts.

We note that the rooms mostly used by the public—namely, the writ and appearance rooms, have been moved upstairs. This is not studying the public convenience.

On inquiring at Waterlow's to-day, we were informed that the notices posted about the Law Courts giving particulars of the changes are not on sale. TIPPETTS.

11, Maiden-lane, Queen-street, Cheapside, London, E.C. 4.
9th October, 1920.

CASES OF LAST SITTINGS.

Court of Appeal.

Re FERDINAND, ex-TSAR OF BULGARIA. No. 1, 17th, 18th, 19th and 20th May; 2nd June; 30th July.

WAR—ALIEN ENEMY—ENEMY SOVEREIGN—RIGHT TO SEIZE PRIVATE PROPERTY—ROYAL PREROGATIVE—ABANDONMENT—SEIZURE AFTER DATE OF ARMISTICE—TRADING WITH THE ENEMY AMENDMENT ACT, 1914 (5 GEO. 5, C. 12), SECTIONS 1 (1), 2, 5 (1)—TRADING WITH THE ENEMY AMENDMENT ACT, 1916 (5 & 6 GEO. 5, C. 105), SECTION 4 (1).

The right to seize the private property of an alien enemy in time of war is a constitutional right inherent in the Crown, and though disused in modern times, had not been lost by such disuse. But it was abandoned by the Crown on the passing of the Trading with the Enemy Acts, 1914 and 1916, and the appointment of a custodian trustee of enemy property. The powers given by these Acts are inconsistent with an intention to preserve a common law power to insist on the absolute forfeiture of the enemy's property.

Appeals by the ex-Tsar of Bulgaria from two decisions of Eve, J., and P. O. Lawrence, J., respectively, declaring, on petitions by the Attorney-General, that certain securities in Great Britain belonging to the ex-Tsar were forfeited to the Crown as from the outbreak of war between Great Britain and Bulgaria. At the outbreak of the war the ex-Tsar was entitled to securities in England to the value of about £400,000, some being in his own name, and others in the names of Messrs. Coutts and Co., bankers, and other persons as trustees for him. An inquisition before a jury was held, and the verdict was delivered on 10th July, 1919, finding that the securities had been forfeited to the Crown by the outbreak of war. On a petition by the Attorney-General, which was not served on the ex-Tsar, who was then resident in Germany, Eve, J., held that the ex-Tsar became a trustee of the securities mentioned therein for the King, and a similar decision as to certain other securities was given by P.O. Lawrence, J, later. The ex-Tsar having obtained leave, appealed, and made an affidavit in which he said that the securities in question were not Bulgarian national property, but his own private fortune, part of the estate of his mother, Princesse Clementine of Orleans, and had been in England since 1850. *Cur. adv. vult.*

THE COURT allowed the appeal.

Lord STERNDALE, M.R., having stated the facts, said that the four points raised were: (1) Was it ever the common law of England that the Crown had the right to seize and forfeit private property (including *choses in action*) of the subject of an enemy State? (2) If so, had that right ceased to exist before the passing of the Trading with the Enemy Acts? (3) If not, had it been abandoned or had it ceased to exist by reason of the legislation contained in those Acts in regard to the disposition of enemy private property during the war? (4) Had the Crown lost the right to claim forfeiture because no inquisition had been held before the Armistice? It was unnecessary to discuss the appellant's position as Sovereign, and the extent to which he might be considered responsible for the war. As to the first two points, he (his lordship) had no doubt that they should be answered against the appellant. The right to seize enemy private property existed, and nothing had occurred up to the outbreak of war with Bulgaria to deprive the Crown of that right, unless it were the effect of the Trading with the Enemy Acts. The right was stated by Hale, C.J., in his Pleas of the Crown to have existed originally, and this had been recognized and repeated as a correct statement of the law many times since. The appellant's counsel relied on statements by Lords Finlay and Haldane in *Hugh Stevenson & Sons (Limited)* v. *Aktien Gesellschaft für Cartonnagen Industrie* (1918, A. C. 239). He (the Master of the Rolls) thought that the question now under consideration was not then before those noble Lords at all. That case arose out of the rights of partners *inter se* in the partnership property, and the question of the right of the Crown to seize was not present to their lordships' minds. Probably all that their statements meant to convey was that war by itself did not effect a confiscation of private enemy property. In his (his lordship's) view, however, the matter was practically concluded, so far as that Court was concerned, by the judgment of the full Court of Appeal in *Porter* v. *Freudenberg* (1915, 1 K. B. 857), where Lord Reading, C.J., said: Alien enemies have no civil rights or privileges, unless they are here under the protection and by permission of the Crown (Blackstone, 21st ed., vol. i., c. 10, p. 372). Indeed, under the ancient common law "debts and goods found in this realm belonging to alien enemies belong to the King, and may be seized by him" (see Hale's Pleas of the Crown, vol. i., p. 95). That the enemy's property was liable to confiscation is also shewn by the privilege granted under c. 30 of Magna Charta to merchant strangers coming into this realm, whereby the privilege was conceded to merchants of a land making war against the Sovereign and found in this realm that they should be attached without harm of body or goods until it became known how English merchants were treated in the hostile State. Gibbs, C.J., in *Antoine* v. *Morshead* (6 Taunt, 237) affirmed the principle that the Crown during the war may lay hands on debts due to the alien enemy, but if it do not, then on the return of peace the rights of the contracting alien are restored, and he may himself sue to recover the debts. It was true that the question in the present case was not the actual point for decision there, but the passage cited was part of the reasoning by which the Court arrived at its conclusion, and it was a dictum which ought not to be disregarded by the present Court. So far, therefore, the appellant's contentions failed. The third question raised different considerations. It was doubtful whether the Crown's right to seize could be lost by mere disuse, but the Crown could abandon and give up a right if it chose to do so. Had it abandoned that right by virtue of the various Trading with the Enemy Acts? The first Act, passed on 18th September, 1914, did not seem to affect the present case. The second Act, passed on 27th November, 1914, contained the recital: Whereas it is expedient to make further provision for preventing the payment of money to persons . . . resident or carrying on business in any country with which his Majesty is for the time being at war (which persons . . . are hereinafter referred to as "enemies") . . . and for preserving, with a view to arrangements to be made at the conclusion of peace, such money and certain other property belonging to enemies . . . Section 1 (1) provided: The Board of Trade shall appoint a person to act as Custodian of enemy property . . . for the purpose of receiving, holding, preserving, and dealing with such property as may be paid to or vested in him in pursuance of this Act. . . . The Public Trustee was appointed Custodian,

and section 2 provided: Any sum which, had a state of war not existed, would have been payable and paid to or for the benefit of an enemy by way of dividends, interests or share of profits, shall be paid . . . to the Custodian, to hold subject to the provisions of this Act. The Custodian's duties were defined in section 5, sub-section (1), of that section provided:—The Custodian shall, except so far as the Board of Trade, or the High Court, or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding sub-section, hold any money paid to and any property vested in him under this Act until the termination of the present war, and shall thereafter deal with the same in such manner as his Majesty may by Order in Council direct. The Trading with the Enemy Amendment Act of 1916, by section 4, sub-section 1, gave power to the Board of Trade, by order, to vest enemy property in the Custodian in the words: The Board of Trade, in any case where it appears to them to be expedient to do so, may by order vest in the Custodian under the Trading with the Enemy Amendment Act, 1914, any property real or personal (including any rights, whether legal or equitable, in or arising out of property real or personal) belonging to or held or managed for or on behalf of an enemy, and may by any such order . . . confer on the Custodian such powers of selling, managing, and dealing with the property as to the Board may seem proper. It was under these powers that the orders were originally made. The appellant contended that these Acts were meant to state the powers, and the only powers, which the Crown intended to exercise during the then war. The Crown contended that those powers were only additional and supplementary to the common law powers, and the right of forfeiture. In his view it was clear that the powers conferred by these Acts were, in important respects, inconsistent with the exercise of the common law rights of forfeiture. If an order had been previously made by the Board of Trade vesting the property in the Custodian, it was difficult to see how the right of forfeiture could be exercised; or how an inquisition could hold that it was enemy property forfeited to the Crown, when it was already vested in the Custodian to be disposed of according to an Order in Council. It seemed that a power to vest property in a Custodian to be dealt with at the end of the war by Order in Council, was inconsistent with an intention of preserving a power to insist on an absolute forfeiture at common law. On those grounds his lordship thought that the appeal should be allowed, and the orders appealed from discharged.

WARRINGTON and YOUNGER, L.JJ., delivered judgments to the same effect, the former observing that the fact that the inquisition took place after the armistice made no difference, as the armistice was not the conclusion of a state of war.—COUNSEL, *Upjohn*, K.C., *Ashworth James*, and *F. E. Farrer; Sir Gordon Hewart*, A.G., *Austen-Cartmell*, *Bransom* and *Simmonds*. SOLICITORS, *Farrer & Co.; The Treasury Solicitor*.

[Reported by H. LANGFORD LEWIS, Barrister-at-Law.]

High Court—Chancery Division.

***Re* NICOLL.** *Re* **PERKINS. NICOLL *v.* PERKINS.** Sargant, J. 30th June; 1st July.

POWER OF APPOINTMENT—SPECIAL POWER—EFFECTUAL EXERCISE—INFERENCE AS TO LEGACIES BEING APPOINTED—INSUFFICIENCY OF APPOINTOR'S OWN ESTATE.

The mere fact that the donee of a special power of appointment has dealt with part of the appointable property is not enough to justify the inference that in other parts of the document he is dealing with the rest of the property.

Hughes *v.* Turner (1834, 3 *My. & K.* 666) *applied.*

Re Wait (1885, 30 *Ch. D.* 617) *dissented from.*

This was a summons taken out by A. M. Nicoll, who was the surviving executor and trustee of one Arthur Nicoll and one of the executors of E. M Perkins, against A. E. Perkins and others, raising the following, among other questions, (1) whether "Silkbridge" passed under the special power given to E. M. Perkins; (2) whether the bequests to the two sons of £3,000 were an effectual exercise of the special power over the trust fund settled by the will of Arthur Nicoll; (3) whether A. E. Perkins had to bring into hotchpot the value of the freeholds appointed to her before taking any share of the trust fund as in default of appointment; and (4) whether the bequest by E. M. Perkins of the residue of her estate to A. E. Perkins for her life operated as an exercise of the special power over the trust fund and real estate of Arthur Nicoll, so far as not already exercised by his daughter's will. The facts were as follows:—Arthur Nicoll died in 1891, having by his will devised his freehold house, Cowleaze, Hendon, and all other real estate, if any, of which he might die possessed, to the trustees of the will upon trust for his wife Eliza during her life; and after her death upon trust for his daughter, E. M. Perkins, during her life, and after the death of both wife and daughter the testator directed his trustees to stand possessed of his said freehold house, and also a trust fund which represented his residuary personalty, upon trust for all or such one or more exclusively of the others or other of the children of his said daughter, if more than one in such shares and in such manner as his said daughter should by any deed or deeds revocable or irrevocable or by will or codicil appoint, and in default of appointment in trust for all or any the children or child of his said daughter who being a son or sons attained the age of twenty-one years, or being a daughter or daughters attained that age, or married, and if more than one in equal shares as tenants in common. The testator was at the time of his death seised of Cowleaze and of a small piece of land known as Silkbridge, Hendon. His widow died in 1905, and his daughter in 1919. The latter made her will in 1919 as follows: "I hereby leave to my daughter the whole of my estate known as Cowleaze and the whole of my household effects therein, including a piece of land known as Lethbridge, Hendon. To my son Henry I leave the sum of £3,000 free of duty. To my son Edgar I also leave the sum of £3,000 free of duty. To my deceased son's children (naming them) I leave the sum of £100 each, free of duty, on their attaining the age of twenty-one years, and the residue of my estate both real and personal I leave to my daughter, Alice Eliza, for her life." She then appointed executors and revoked all former wills. There was evidence that "Lethbridge" meant "Silkbridge," and that at the death of E. M. Perkins the fund, subject to the power of appointment, was £17,000, and her own estate £1,000. She had only four children who survived her father, one of whom died in 1909 leaving a widow and children. For the legatees it was contended that by virtue of the insufficiency of the testatrix's own estate an intention was shewn to exercise a special power also with regard to the legacies: *Hughes v. Turner* (*supra*); *Re Ackerley* (1913, 1 Ch. D. 510); *Re Wait* (*supra*). It was also contended that effect could be given to the testatrix's intention to exercise the power: *Lowndes* v. *Lowndes* (1827, 1 Y. & J. 445). On the other hand, it was contended that there was no sufficient reference to the rest of the appointable property to shew that that property had been appointed under the special power: *Elliott* v. *Elliott* (1846, 15 Sim. 321).

SARGANT, J., after stating the facts, said the language used in the gifts of the two legacies of £3,000 each is applicable to a gift of those legacies out of E. M. Perkins's own estate, and does not shew an intention to give them out of the trust fund over which she has a special power of appointment in support of the argument. On behalf of the legatees, many cases have been cited, but the law is fairly settled against them: *Hughes* v. *Turner*, *Elliott* v. *Elliott*, and *Re Comber's Settlement Trusts* (*supra*), shew that the mere fact that the donee of the special power has dealt with part of the appointable property is not enough to justify the inference that in other parts of the document she is dealing with the rest of the property. The decision of Pearson, J., in *Re Wait* (*supra*) seems to be contrary to the general line of authorities, and the attention of that learned judge was not called to any of the three cases above referred to. I accordingly answer the first question in the affirmative, and the second, fourth and fifth questions in the negative.—COUNSEL, *Alexander Grant*, K.C., and *F. K. Archer; Galbraith*, K.C., and *G. D. Johnston; Rolt*, K.C., and *Chubb*. SOLICITORS, *Young, Jackson, Beard & King; Kenneth Brown, Baker, Baker, & Co.; Thomas E. A. Baker*.

[Reported by LEONARD MAY Barrister-at-Law.]

Societies.

The Law Society.

The provincial meeting of the Law Society, the first since 1912, was held at Liverpool last week.

RECEPTION BY THE LORD MAYOR.

On Monday evening the Lord Mayor of Liverpool, Mr. Burton W. Ellis, and the Lady Mayoress received the President, Council and members of the society and the ladies accompanying them in the Town Hall, a large company being present, and afterwards there was dancing.

BUSINESS MEETING.

The members met on Tuesday morning in the Small Concert Room, St. George's Hall, the Lord Mayor taking the chair. In welcoming the society, he observed that it was seventeen years since they had met at Liverpool. A number of members of the society were associated with the municipality in its work, to one of whom it was greatly indebted for the deep interest he had taken in education in Liverpool; and he (the Lord Mayor) thought it was generally admitted that Liverpool stood very high as regards the standard of education, particularly secondary education. That was largely due to the energy and ability with which the members of the solicitor branch of the profession had assisted in educational work. Liverpool was the birthplace of very many eminent lawyers, both judges and barristers. One could hardly refrain from mentioning such men as the Lord Chancellor, who, although he was born at Birkenhead, had practised at Liverpool. Then there were Lord Mersey, the Master of the Rolls, Mr. Justice Horridge, Mr. Justice Greer, and Mr. Justice Rigby Swift among others. Liverpool was, therefore, very closely identified with the law, and he thought there could not be a more appropriate place in which the Law Society could meet

PRESIDENT'S ADDRESS.

The PRESIDENT (Mr. C. H. Morton, Liverpool) then took the chair, and delivered his address, as follows:—

Before I proceed to address you on matters of professional interest I desire to express to my brother solicitors of Liverpool how greatly I appreciate the compliment they have paid me in inviting the Law Society to hold their meeting in the city during the year in which I have been chosen President. None of the great legal prizes are open to solicitors. The chair of the Society is perhaps the most dis-

tinguished legal position to which a solicitor can attain. Selection for that office confers on the occupant the "Blue Ribbon," so to speak, of our branch of the profession. I should be less than human were I not proud of the honour conferred upon me, and in particular to stand here to-day as President of the Society before the solicitors of Liverpool, among whom I have lived and laboured all the 50 years of my legal career, and to whom I am consequently best known. It is ever present to my mind that it is to them I owe my election to the Council of the Law Society, the first step in the pathway that has led me to the position I now occupy.

A Corporate Trustee.

There are many subjects of interest to the profession on which I should like to speak, but time will only permit of my dealing with a few, and the first I will select is the success so far of the principle of a corporate trustee and the future prospects of corporate trustees, and especially whether an expansion of the system is probable. After referring to the difficulty in obtaining new trustees for old settlements, the President continued: In England the Public Trustee is the only corporate trustee which is empowered, apart from agreement with the beneficiaries, to charge fees when introduced as *full* trustee into existing trusts. But all corporate trustees have the statutory right, if introduced into an existing trust as *custodian* trustee, to charge the same fees as those charged by the Public Trustee. This is probably the dominant reason why the Public Trustee has attracted a much larger line of trust business than the banks, insurance, and trustee companies. The Public Trustee is the only corporate trustee who has to any material extent superseded the private trustee. The Public Trustee's department has become responsible since its establishment up to 31st March, 1920, for over one hundred and thirty-two millions of money which is distributed over about 14,100 trusts and executorships. Banks and insurance companies have in the same interval been steadily building up a sound trust business, but it is comparatively small. The combined activities of the Public Trustee and these bodies have not, however, resulted up to the present in appreciable supercession of the private trustee. For instance, in the year 1915-16 out of 81,000 wills proved, the Public Trustee only proved 185; in the year ending 31st March, 1920, out of an estimated number of 115,000 wills proved, the Public Trustee only proved 692. The number of trusts now existing arising under wills of various dates must run into millions, and the number of settlements may well exceed a million. The expense involved in making use of a corporate trustee deters many testators and settlors, but undoubtedly the "personal" element is the main factor. No corporate body can take the place of a near relation or old friend, especially when the beneficiaries are minors; the corporate trustee must act through an official and clerks who cannot possibly give the sympathetic help and advice such as private trustees can, or have the same intimate knowledge of the characteristics of the individual beneficiaries as the private trustee possesses. Whilst, therefore, it can be admitted that the corporate trustee (and in particular the Public Trustee) has supplied a certain want, neither the Public Trustee nor any other corporate trustee has been a pronounced success.

A variety of circumstances have rendered the Public Trustee Office inefficient. In the earlier years the practice was to entrust to each principal clerk the conduct and supervision of each trust, but as the volume of business increased the work of each trust was decentralized and distributed among several departments. The creation of specialised departments for dealing with, for instance, property, investments, and accounts charged with *executive* functions has resulted in unnecessary expense, delay, and lack of unity of control. Before, therefore, the clerk in charge of a trust estate can answer an enquiry, he has to address a letter or letters to the other departments to obtain the desired information. He addresses the department; he does not know what particular clerk in that department has seizin of the case—the head of each department addressed opens the letter and assigns it to a subordinate who deals with it in its turn. A fortnight may easily pass before the clerk in charge could give a reply to the inquiry. Further, at the outbreak of the war the important duty of custodian of enemy property and the duties under the trading with the enemy legislation (which involved an immense amount of work and which was quite foreign to the original and primary object of the department) was thrown upon the Public Trustee. Then appeared the Recruiting Officer, whose requirements made confusion worse confounded, for the effect on the staff was disastrous. The volume of work was doubled—the Trust Officers were practically to a man replaced by inexperienced substitutes wholly unacquainted with the practice of the department, and expected to perform an amount of work far beyond whatever an experienced trust officer could effectively master, and the salaries paid were wholly inadequate having regard to the responsibilities involved. It was stated to the Departmental Committee which last year inquired into the organization of the office that five years would hardly suffice to get the present machinery into proper working order and to work off the arrears. In the meanwhile new cases come in and old cases are falling to be distributed. An adverse set of circumstances caused by the war precipitated this crisis, which was however inevitable at a later date, when the evils of bureaucratic control of an overweighted organization had produced their normal effect. It is easy to understand that a department which may efficiently control a modest number of trusts and executorships may be quite unable to cope with a swollen amount, and that complete and effective supervision of the

conduct of cases is impracticable. Those who know the present state of affairs have no doubt that the Public Trustee can henceforth never be as efficient as a private trustee.

The situation at present, therefore, I venture to think, is this: The Public Trustee Office will continue, but will as time goes on command less support from the public. The causes which led the public to support the idea of a corporate trustee will still operate, and banks and insurance and other companies who are not hampered by Government control will attract an increasing share of the business. The majority of persons, however, dislike the idea of entrusting their affairs to commercial bodies which are avowedly "out for profit." They recognise that a conflict of interest and duty may arise in connection with the banking and insurance business of such companies. Moreover, such bodies will frequently put a trust to expense in order to avoid taking a risk which the employee in charge of the matter conceives might involve the company in a remote liability. The tendency undoubtedly is to avoid the slightest responsibility even where there is a power at the discretion of the corporate trustee to take the step desired. When it is a question of the interest of the trust beneficiary or the interest of the trustee company the employee of the latter not unnaturally inclines to his employer. The public are likely, therefore, to look about them for some alternative to a State-managed trustee and to a trusteeship undertaken as ancillary to the main business of a company.

A Mutual Trustee Society.

An alternative (and I venture to think a fairly satisfactory one) is a mutual society not run for profit, which would conduct no other kind of business and merely charge sufficient to enable it to meet its expenses, including the cost of making good breaches of trust for which it is by law responsible. Looking at the matter solely from the point of view of solicitors, provided the legitimate interests of the profession are safeguarded, in many instances it is a positive advantage to be able to turn to a corporate trustee. Solicitors are frequently adverse to act as trustee with a private person alone, because they know that they are always open to the accusation that their own interests conflict with those of the beneficiaries. It is frequently, therefore, an advantage to a solicitor to be associated with a corporate trustee to whom they can refer dissatisfied or suspicious beneficiaries, but a greater tendency on the part of testators and settlors to resort to banks and insurance and trustee companies might result in the solicitors to the settlor being superseded by the solicitor to the corporate trustee. Trust solicitors are from time to time superseded by the corporate trustees solicitors, and not unnaturally, because the manager has not sufficient technical knowledge to appreciate whether the advice he receives from a solicitor unknown to him personally is correct. If, therefore, he fears difficulties ahead, he naturally prefers to be guided by one on whose judgment he knows by experience he can rely. I venture to suggest, therefore, that our branch of the profession should consider whether it may not be worth while to set up a mutual society for the transaction of trust and executorial business. Solicitors must necessarily have a voice in controlling such a society's policy. A society formed by and accountable to the Law Society, pledged to give effect to the following principles, should meet with considerable public and professional support, and should not conflict with the true interests of the profession: (A) The society's activities to be confined to executorial and trustee business. (B) To be managed by a general manager under a paid board of directors. (C) To encourage the appointment in normal cases of private persons as executors, and the society acting as trustee. (D) To encourage the system of custodian trustee. (E) To receive no commission from brokers or anybody else. (F) To employ the family solicitor wherever a family solicitor existed, so long as he did his work properly and also the bankers and brokers and other agents accustomed to act for the trust. The mutual society would charge fees for its services and could, if sufficient business flowed in, charge somewhat lower fees than those which will be charged by the Public Trustee, and at the same time build up a reserve fund to meet contingent claims against it. The manager must have been a practising solicitor with special experience in trust affairs. The board of directors should be composed principally of practising solicitors with one or more chartered accountant, real property valuer, stock broker, or other financial administrator; all would be appointed by the Council of the Law Society. The directors would sit regularly and be adequately remunerated. They would control the policy of the company and assist the manager by their advice and experiences in all necessary cases in the same way that the boards of banking companies and other trading companies do. The experience of banks and other companies transacting trust business is that the risk of claims for breaches of trust is negligible provided that the work is managed with reasonable efficiency. In the earlier years the Public Trustee operated in millions without having any material claim made against him. None the less the public will expect to have some guarantee or fund to which they can look for security for payment of a well-founded claim in respect of fraud by employees and loss by breaches of trust. In addition the cost of establishment charges, which would have to be met until the trustee society has attracted sufficient business to pay its way, would have to be found. A guarantee to the society's bankers would probably be the most convenient way; such a gaurantee would not be likely to be required for more than two years. If the scheme I have outlined be established these guarantees would have to be given by the Law Society and the necessary powers obtained. I have no doubt that testators and settlors and their solicitors would be quite content to trust the Law Society. I do not think the Society need hesitate to embark on the venture. An indemnity or reserve fund would, in a very few years' time, be accumulated out of receipts to meet the claims. In the meantime a risk must be run, but, as I have above stated, experience has shown claims are very rare where there is a corporate trustee. Given an efficient staff, intelligent organisation and the imposition of business checks commonly and ordinarily imposed by all commercial undertakings, the risk of fraud or loss to the trust estate is neglible. With a competent staff a claim against the trustee for breaches of trust arising from oversight or mistake of law will be of the rarest occurrence, and dishonesty or fraud can hardly occur except where one individual only controls all movements, which is never the case where a business system prevails. The main business which the trustee society would seek to attract would be new settlements, with respect to which it could be appointed either as ordinary or custodian trustee. With respect to old settlements, it could be appointed as custodian, and if suitable managing trustees were not available the Society could introduce one or more of its own officers as managing trustees, whose integrity it could and would guarantee without appreciably increasing the risks which it ran. If 1,000 trusts of varying size could be secured the trustee society could pay its way. There are some 14,400 solicitors upon the rolls, of whom 9,100 are members of the Law Society. Of these about 3,950 are London members and the remainder are country members. There are also some 6,000 members of the Provincial Law Societies, many of whom are not members of the parent Society. If this large body of solicitors were judiciously approached through the Provincial Societies and otherwise they could bring the new trustee society with the concurrence of their clients 1,000 trusts. If the support of the profession as a whole could be obtained the society must succeed. From the point of view of the public it would be a great strength to the trustee society if it could tell the public that the society had been formed upon a purely mutual basis and was modelled on the lines of the Public Trustee. I do not advocate that executorships should be lightly undertaken. Discrimination ought to be used; the experience of the corporate trustee has shown that executorships were not always remunerative. In the great majority of executorships testators can secure private or business friends to act for them during this period so long as they know they will not be expected to carry on the trust which arises after the executorship has determined, but can pass that trust on to a corporate trustee. The testator has in such case the advantage of a much more flexible trustee during the executorship which he can never hope to find amongst any kind of corporate trustee. In his evidence before the Select Commitee on Trust Administration Lord Lindley observed: "So far as I can understand, and speaking from a very long experience, I do not think that money goes wrong while it is being distributed by executors and administrators. When it is misapplied is after that is over, and the executors and administrators become trustees." At the same time, as pointed out by Lord Lindley, he runs little or no risk of the capital disappearing during this time. If a mutual society is to succeed at all it must be for antithetical reasons. It will emulate all that is best in the idea of the Public Trustee in that it will be run not for profit, but merely to pay its way; any surplus would be applied in reduction of the fees. Its justification will be that it is run as a business proposition and not on Government departmental lines. Its claim will be that for all practical purposes, it will provide as good security to the public as the State. Neither the Public Trustee nor the society trustee run any real risk, so long as the business is managed with average intelligence and attention. It must be borne in mind that security is not the only desideratum. *Efficient and prompt administration* is what the public desire, and if the public can secure this, coupled with security against misappropriation, it will support the scheme, which, judged by business standards, gives them the most satisfaction. The main object of such a society as I suggest should be to accentuate the difference between State management and individual effort. All the signs point in the direction of a reaction against State control and the great disadvantages which it connotes.

Poor Persons' Rules.

In referring to the new rules for the conduct of proceedings instituted by poor persons, and to the disallowance of payments on account of office expenses, the President said: I am desired by the Council to point out that the success or failure of these rules lies mainly with our branch of the profession. Solicitors are expected voluntarily to give their services without fee or reward, some to report upon the case in its initial stage, others to conduct the case when the reporting solicitors have found that the poor person has *primâ facie* a good cause of action. The Council will compile a list of metropolitan solicitors willing to do what is necessary in London; and I suggest to you that each Provincial Law Society should at once prepare a panel of solicitors in its district who will undertake to act either as reporters or as conducting solicitors in these matters. These lists should be forwarded to the Prescribed Officer at the Royal Courts or to the Prescribed Officers in the District Registries.

Solicitors' Remuneration.

In regard to the increase in fees recently authorized, the President said: Though the increase of £33⅓rd per cent. is acceptable, I cannot say I think it adequate. The expense of running a solicitor's office varies greatly according to the character of the practice, and in some instances the 33⅓rd increase may have left the solicitor with as good a profit as he had before the outbreak of war, but in many cases it would not. The council had suggested an

increase of £50 per cent., and unless the rents, rates and salaries, and the cost of all office requisites, proceed to fall I think we ought to continue to press for the larger figure. The Council, with the co-operation of the Associated Provincial Law Societies, have endeavoured to obtain legal sanction to the delivery of a lump-sum bill of costs, based, inter alia, upon the amount in value of the transaction, the skill, labour, and responsibility on the part of the solicitor involved, the number and importance of the documents perused, and the like, subject to the charge being reviewed by a taxing master if the amount be challenged by the client. The Council have, however, only had a partial success. An order has been made authorizing the delivery of a lump-sum bill, and if the client desires details he must demand them within twelve months of the delivery of the bill or within one month after payment, otherwise he is deemed to have accepted it as correct. So far as it goes, the order is an improvement on the old law. As you are aware, under the Solicitors Acts, a solicitor's bill must be delivered in detail, and there is no valid payment unless it is so delivered, and that, unless there has been an express waiver by the client, he is not precluded from re-opening the matter even after payment. The order does not however provide that if the bill comes before the taxing master he shall, in assessing the solicitor's remuneration, have regard to the amount involved and to the skill and responsibility of the solicitor, and to the other considerations which are indicated in section 4 of the Solicitors' Remuneration Act, 1881, to which I have just referred. I may explain that the rule-making authority were not satisfied that they had the power to make such an order. The effect of the present order is that if the dissatisfied client has demanded and obtained full and complete details of attendances, letters, and the work done, and if the total of the ordinary detailed charges do not amount to the lump sum rendered, the difference could not be allowed on taxation and recovered by the solicitor. The American system, which has no fixed charges for particular acts and no taxing officer, does not commend itself to me. It necessitates, in case of dispute, the solicitor suing for his costs and obtaining from a jury an assessment of the sum which he is to be entitled to. I think we should all prefer a competent taxing officer as the tribunal, and will agree that there are many small services the charges for which can be prescribed; but, on the other hand, much of the solicitor's work cannot be remunerated fairly by immutable and fixed amounts. The taxing master ought to be given, in far more instances than he has at present, a discretion to award an appropriate sum for the service rendered. I venture to think that payment for skill, experience, and regard to the subject matter is the practical and common-sense method of remuneration, and would be appreciated by our clients. All other professional men are so rewarded; artists, scientists, and skilled handicraftsmen are paid according to their ability and standing, and I cannot see any reasonable grounds for opposition to such a claim on our part. I submit that we should endeavour to obtain an Act of Parliament amending the Solicitors' Remuneration Act, 1881, by removing the technical defect in the drafting of that Act which prevents the rule-making authority issuing the order we desire.

Legal Procedure.

The President referred to the recent revision of certain of the rules by Master Willes Chitty, urging that the time had come for their general revision and their publication in one volume, and continued:

I venture to think that it would be a wise and true economy if the Treasury would retain and pay an adequate fee to an experienced lawyer fully conversant with the subject to complete the revision so ably begun by Master Chitty. A man of experience and ability capable of undertaking this task, whether already an official of the court or not, is sure to be already a busy man, and it is unreasonable to expect such a one to devote the leisure, pains and ability which it demands, without being suitably remunerated. Some day a Ministry of Justice may be established in this country to which would be relegated in future the making of amendments to (and possibly the interpretation of) rules of procedure, but in the past (and at present) the doubts and difficulties which inevitably arise from time to time are not determined by the rule-making authority for the benefit of litigants as a whole, but by the courts at the cost of particular suitors; so that the parties to an action have not only to pay the cost of settling their own dispute, but may also find themselves involved in a heavy expense in settling the meaning of a rule of practice. The Annual Practice quotes about 8,000 cases on the effect and construction of the rules, and in addition, there must be many cases which are not reported. The total amount paid by suitors in costs incurred in these actions must be very large and emphasises the necessity of a complete and careful revision and codification of the rules of procedure. Time will not permit me to comment on the various amendments and additions to the rules in recent years which have simplified and facilitated procedure—some of the latest and most important are the rules under which an agent in England for a principal resident abroad may be served with process in an action arising out of a contract made by such agent on the foreigner's behalf; and the rules facilitating service on defendants abroad. Before I leave this part of the subject I desire, on behalf of the Society, to publicly acknowledge Sir Thomas Willes Chitty's disinterested and valuable labours in these matters. He has devoted a great amount of time to the subject, and has freely placed at the service of the profession and the public his intimate knowledge of the hundreds of rules which regulate practice. Our warmest thanks as practising solicitors are due to him. His efforts have materially lightened our labours, and I am sure we all rejoice that His Majesty has seen fit to confer on him the honour of knighthood. We heartily congratulate him.

Crown Procedure.

I wish also to refer to the unsatisfactory legal position of those who have claims against the Crown, and to the inadequate machinery for enforcing such claims. One result of the war has been the enormous increase in their number. Speaking generally, the practice in these cases remains the same as before the Judicature Acts. As you are aware, the subject must proceed by way of petition of right, having first obtained the fiat of the Attorney-General. The granting of the fiat is an entirely voluntary act, and as often refused as not (probably more often, but it is not possible for me to obtain details). Assuming the Court concedes the prayer of the petition, the suppliant is still at a great disadvantage. For instance, the Crown may fix the place of trial wherever it likes. The ordinary rules of procedure which apply in actions between subject and subject are not, as a whole and in many important particulars, applicable in proceedings between the Crown and a subject. At common law the Crown cannot be compelled to give discovery. The Crown in many cases cannot be compelled to plead, and double pleading by the subject can be objected to by the Crown. In proceedings by the Crown on English information, the Crown on filing the information can simultaneously serve interrogations which the defendant is bound to answer. He can be thus forced to disclose his title or case, and on the particulars and replies so furnished the Crown frames or amends its case or administers fresh interrogatories, and so on ad infinitum. There have been cases in the past where this process has been continued so long that the defendant's witnesses have disappeared, and his resources become exhausted. It is in the experience of many of you that at the hearing of revenue cases, counsel for the Crown would spring points of which the subject has no previous notification, although in more recent years this cannot be said to be the practice. In the days of the Plantagenets public opinion (such as it was) may have thought it too much of an anomaly for the King to be appearing as defendant in his own court to protect his own purse and particular revenues; but in these days, when the claim is in fact not against the Sovereign in person, but against a Department of the Government which has acted through an official, and when compensation for the alleged wrong will be paid not out of the King's Privy Purse, but out of the National Exchequer, nothing can be urged in favour of the present procedure, which operates frequently as a flat denial of justice. The use of the ancient process of English and Latin information for the recovery of property, and much of the procedure prescribed by the Crown Suits Act, 1865, for obtaining accounts of or enforcing payment of duties and taxes, is cumbrous and inconvenient. Disputes as to death duties, for instance, arising between the Crown and the subject, should be dealt with by the Chancery Division of the High Court. These questions generally involve the construction of wills and settlements with which the Court of Chancery is in the habit of dealing. The present procedure in these cases operates as an oppressive exercise of the Crown prerogative. Most of such cases could be effectively and conveniently determined by an originating summons in the Chancery Division with the facts stated in an affidavit and under the ordinary rules of procedure. Again, at the present time, the subject has practically no remedy in the event of claims being made against him for duty and not either prosecuted or withdrawn. I submit that the subject should be entitled on his part to issue an originating summons on the Chancery side (for choice), making the Crown a respondent, and have the matter promptly disposed of. The subject ought to have the legal right to a simple method of determining whether a claim made against him for duties or taxes is right or wrong; whether, for instance, duty attaches to certain property, and, if so, at what rate? The existence of the Crown prerogative prevents such a procedure as I suggest. The law officers are in duty bound to maintain the prerogative, but it seems to me unreasonable that a man (or his estate) should be charged with a duty which he believes not to be payable, although willing to pay if he is proved to be liable, and that he has no means of getting the dispute settled, but must wait an indefinite or protracted time, until

the tax-collecting authority sees fit to institute proceedings against him. By the joint operation of section 7 of the Petition of Rights Act, 1860, and of section 3 of the Statute Law Revision Act, the rules and order made under the Judicature Acts may, subject to certain important and probably desirable limitations, be applied to these actions, but practically this power has not been availed of. Some improvement could be made by rules and orders, but a statute would be requisite to effect a radical reform, and in particular any change that infringed the Royal prerogative. Further, such an Act might well, with advantage, subject claims by the State to the existing Statutes of Limitation, and also revise and consolidate many of the provisions of the numerous statutes which now regulate the procedure in the courts by the Crown. The present process, both in litigation against, and by, the Crown is circuitous, costly, unsatisfactory, and in certain instances oppressive, and it is astonishing that it has survived so long. Richard Cobden said "The English were the most conservative race on the face of the earth, except the Chinese." If, when he said this, he had knowledge of the antiquated procedure I have referred to, it would certainly have confirmed him in that opinion. It is some years since the Associated Provincial Law Societies first brought these matters to the notice of the Council of the Law Society, and whilst the authorities have never denied the desirability of the substitution of a more fair and simple procedure, no progress has been made. It has, however, been intimated to the Council that these matters are receiving attention, and we hope therefore before long for some change for the better.

THE CONSOLIDATION OF THE JUDICATURE ACTS.

An equally important matter is the consolidation of the Judicature Acts. The original Act was passed in 1873; it was postponed and followed by the Act of 1875. Since then there have been no less than seventeen Acts, all dealing with practice, with the result that out of the 100 sections of the Act of 1873 some thirty sections have gone altogether, and out of seventy-five sections of the Act of 1875, thirteen sections have also gone. A large portion of the remaining parts of the Acts of 1873 and 1875 are obsolete—*e.g.*, sections dealing with the Common Pleas and Exchequer divisions; the London Court of Bankruptcy; the transfer of pending business; sittings in London; the Court of Crown Cases Reserved, the transfer of existing offices, and so on. Alongside these changes a large number of sections of the three Common Law Procedure Acts are still unrepealed. Some of these sections are dead letter, as the processes they refer to are obsolete, but the remainder are still availed of. Again, to ascertain whether there is power to make Rules of Court on any particular subject, no less than seventeen different sections of the various Acts of Parliament, all dealing with power to make Rules of Court, have to be consulted. It is obvious that a consolidation of the Judicature and Common Law Procedure Acts, as well as of the Rules of Practice, would lighten the labours and responsibilities of our profession, and would be of great benefit to the community. I venture to hope that during my year of office the Council will see their way to suggest to the Lord Chancellor to take the matter into his early consideration, so that the much needed Consolidating Bill can be drafted and carried through Parliament.

LAW OF PROPERTY BILL AND THE TRANSFER OF LAND.

The main principles of the Bill which seeks to assimilate, as far as possible, the law affecting realty to the law affecting personalty have been propounded for years back from time to time by eminent members of the Law Society, and have by them been consistently urged as the more practicable alternative to the system of registration of title which since 1897 has been established in the county of London. The fallacy underlying the previous Land Transfer Acts is that the *method of transfer* has in the past been at fault: this is not so; it is the complexity of the laws relating to realty that has been the cause of delay and expense in dealing with land. Abolish these archaic laws, and the transfer of land can become a simple and concise process. A large part of this bulky Bill is devoted to repealing existing laws; another large part to amendments, which, after some forty years of experience, have been found necessary or desirable, of the Settled Land Acts, Conveyancing Acts and Trustee Acts. The new and constructive portion of the Bill is short compared with the mass of Statute and case law and practice, which is abolished by the Bill. After referring to the proposed repeal of the Statute of Uses and to the system of strict settlement built upon it, and to the simplification of abstracts of title which will be effected, and suggesting that Clause 4 of the Bill, which defines what equitable interests in land shall be capable of being created, would require most careful consideration, the President continued: Copyhold tenures are abolished, and there are provisions for compensating the lords of the manor and their stewards. The compensation may be arrived at by agreement, or in default of agreement by Order of the Board of Agriculture, but in any case copyhold incidents expire within five years of the Act coming into operation. The claim for compensation, however, survives for ten years. The existence of this tenure has long prevented land law reform, and its abolition will be approved of by conveyancing practitioners. In passing, I may point out that the scale of compensation to the steward originally proposed by the Bill was most inadequate. His office (which is usually held for life) is extinguished, and the compensation proposed, nominal as it was, was to be accepted in discharge of all expenses and costs incurred by the steward in ascertaining the compensation due to the lord of the manor, including the preparation of any agreement. It would not have been worth the while of stewards to give their and their clerks' time and service on such terms, and the result would be that they would resign their office. The lord would have difficulty in finding a new steward with the requisite knowledge and qualifications, and even if such a one were found, the Bill provides that the new steward would only be entitled to one-half the scale of compensation of the previous steward. The result would have been serious to embarrass the working out of this part of the Act, and great to delay the enfranchisement of copyholds. The intervention of the Law Society has resulted in an amendment of the Bill, which gives the steward the right to make charges under Schedule 2 of the Solicitors' Remuneration Order for the work he may do.

After referring to the proposed abolition of all customary and special tenures, and to the conversion of perpetually renewable leaseholds into long terms, and the abolition of future leaseholds for lives (changes which the President thought would be approved by the profession though strenuous opposition might be expected from such bodies as the Corporation of London, who derive an important revenue out of the fines chargeable on renewals), and to the proposal for subjecting tenancies in common to an overriding power of sale of the entirety, the President continued, with reference to the last matter:—The machinery prescribed by the Bill, however, seems to be unnecessarily elaborate. Clause 1 to the third Schedule provides for an application to the County Court for the appointment of trustees in whom the land shall be vested for the purposes of sale and distribution of proceeds. This power, however, only arises under certain circumstances; I venture to think that any person interested should be entitled to make such application where the tenants in common from any cause are unable to agree. This could supersede and render unnecessary many provisions in the Schedule.

Mortgages are to be effected by long leasehold terms, the reversion and legal estate remaining vested in the mortgagor. A mortgage by way of conveyance of the legal ownership in fee simple is prohibited. On repayment of the mortgage debt there is a cesser of the long term and on a sale by the mortgagee the long term is automatically converted into the fee simple, and the fee simple will vest in the purchaser. A decree of foreclosure absolute will have the same effect. The risk of terms being kept on foot and "attendant" is thus removed. It is questionable whether this scheme is to be preferred to the present system. It is possible that there may be considerable reluctance on the part of many investors to lend money on mortgage. To-day, as between a mortgagee-vendor and a purchaser, the mortgagee is practically absolute owner. The purchaser need make no inquiry as to the mortgagee's right to sell or convey, and is not concerned to see to the application of the purchase money. Under the new proposals, the mortgagee of the leasehold term will, I presume, hold the deeds appertaining to the freehold (although the Bill is not specific on this point), notices by subsequent incumbrances must be given to him; and on a sale he must account to the subsequent incumbrancers and for any ultimate surplus of the purchase money to the mortgagor precisely as he does under the present system. Is there then a sufficient reason for substituting the system of charges on long leasehold terms for the system to which practitioners are now accustomed? It is submitted, on the one hand, that between vendor and purchaser the mortgagee should appear on the face of the title as absolute owner, leaving the mortgagor with the equitable rights against the mortgagee which he has at present. If the mortgagor desires to sell he would (as he does to-day) call upon the mortgagee to join in the conveyance, making simultaneous arrangements for the discharge of the mortgagee's claim. It might be thought expedient to carry out the mortgage by two instruments, one being a simple conveyance of the freehold to the mortgagee as absolute owner (without reference to the fact that the transaction is by way of mortgage); and the other being a document comprising the terms of the mortgage with which the purchaser would have no concern. On the other hand, the object of the draftsman of the Bill presumably is partly to obtain uniformity and partly to avoid an investigation into the mortgagor's title and subsequent incumbrancer's title, and to ensure that not only the first mortgagee, but that each subsequent mortgagee, and also the mortgagor shall have vested in him a legal estate. The greater part of the land in England is in mortgage; and consequently, if mortgagors and mortgagees, subsequent to the first mortgage, had only an equitable interest, the present system of investigation of title on dealing with the land by these equitable owners would still prevail, and the object of the Bill be frustrated to a large extent. Large landowners frequently demise land for long terms at a substantial ground rent with a covenant against assigning or sub-demising without licence, and a licence to sub-demise is invariably refused by some lessors. The Council pointed out that, if it is intended that the lessee should be entitled to effect a mortgage by way of sub-demise without obtaining the lessor's licence, some provision should be inserted in the Bill providing against a forfeiture. On the other hand, if it was intended to retain the lessor's right to refuse to give a licence to sub-demise, the effect of this Bill as drawn would be to deprive lessors of their present remedy under the covenants against a mortgagee-assignee, and the result would be that the lessor, who might be of opinion that the mortgagor was financially unable to fulfil the covenants, would decline to give him a licence to sub-demise, in which case no mortgage could be effected. An amendment has consequently been made, providing that a licence to assign "shall not unreasonably be withheld." Whether or no it would be deemed "unreasonable" for the lessor to impose terms and conditions on the mortgagee—*e.g.*, a covenant to be entered into by the mortgagee to pay the ground rent, or to rebuild the premises—or on the mortgagor, opens up a fine field for speculation, if not for litigation.

The Bill continues the principle embodied in the Settled Land Act, 1882—viz., to place the tenant for life in the position of trustee for

his successors and to give him all the powers of an absolute owner, subject to capital moneys arising from sale being paid to trustees so as to prevent the tenant for life appropriating sale proceeds. The Bill provides that the settled land should be vested in the tenant for life or in the person who has the power of a tenant for life, preferably by a deed other than the settlement, and such instrument must name trustees for the purpose of the Settled Land Acts. This would be an intimation to a purchaser that the vendor was really a tenant for life only of the land sold, and the purchaser would have to obtain the receipt of the trustees for the purchase money. The settlement itself will be kept off the title and will not concern the purchaser. On the death of the tenant for life his executors would convey the settled estate to the person next entitled under the settlement. Instead, therefore, of a purchaser troubling to satisfy himself whether the vendor is in fact a life tenant within the meaning of the Settled Land Acts, he can accept with contentment the instrument as a certificate as to who are the life tenant and trustees, with whom he may safely deal. On the other hand, where the remainderman has disposed of his interest in the land or cannot easily be traced, it is hardly to be expected that the executors of the tenant for life will take the responsibility of conveying the settled land without the protection of an order of the Court. Further, in lieu of an abstract of the settlement, there must be an abstract of the deed vesting the fee simple in the late tenant for life, of the death and of the probate of the will of the tenant for life; also of the deed of assent vesting the fee simple in the remainderman; and before the transaction can be completed there will be considerable delay until the probate of the will of the late tenant for life or letters of administration (as the case may be) can be obtained. Briefly, in place of one deed under the present system, three deeds and a probate will be necessary. I confess to a preference to the present system of legal uses, to which we are all accustomed; it works simply and does not require the intervention of trustees. If legal uses were retained, the purchaser taking up his title on a sale by the tenant for life would, as at present require to inspect the settlement and ascertain who were the trustees under the Settled Land Acts, competent to give him a receipt for the purchase money. It would have to be provided by the Bill, that the purchaser should not be affected by or concerned with the other portions or clauses of the settlement. The draftsman of the Bill would doubtless reply to me that the Statute of Uses is being repealed, and for the sake of uniformity it ought not to be preserved for this specific purpose. Other amendments in the law of property effected by the Bill are very numerous. It is impossible within the time at my disposal to refer to many of them. Where the consent of more than two persons is required to a sale, the consent of two will suffice; the consent of a person not *sui juris* is dispensed with. Conveyance of freeholds without words of limitation will convey the fee simple; a purchaser is not to be responsible for death duties or the bankruptcy of a former owner unless such claim is registered as the Land Registry or as a *lis pendens;* receipts under seal on mortgages are to operate as a re-conveyance; a statutory authority can modify or discharge restrictive covenants, where the character of the neighbourhood has changed. In addition there are most useful provisions affecting the lands of lunatics, and enabling powers are given to the Court (Chancery Division), including a power to make a settlement for a lunatic. The Law Society, with the help of the country law societies, submitted to the joint Parliamentary Committee numerous amendments designed to facilitate the scheme of the Bill, and to improve its working; and a great number of these suggestions were accepted and embodied in the reprint of the Bill presented by that Committee to the House of Lords.

The Bill in my humble opinion on the whole deserves the support of the legal profession with the important exception of sub-section 4 of clause 177. This clause avoids every conveyance on sale of freehold land, wherever situate, unless the grantee registers himself in the Land Registry as proprietor. You are aware that under sub-section 8 of clause 20 of the Land Transfer Act of 1897, compulsory registration of title cannot be introduced into any county except upon the initiative and request of the County Council. The Government of that date was only able to carry the measure through Parliament by making that concession to the county councils. The First Lord of the Treasury (Mr. Balfour), in moving the amendment to the Bill in the House of Commons, pointed out that "henceforth it would be impossible to force on any county council, against the wish of that county, the provisions of the Bill. If that compromise were accepted it would rest for all time with the county council to take the initiative in applying the provisions of the Bill within the area of its jurisdiction, and, in addition to that safeguard, the Government would be prepared to say that any resolution that was initiated and passed by the county council would lie on the table of each House for the usual period of thirty or forty days, and only become law if a resolution was not passed against its operation." The Acquisition and Valuation of Land Committee reported in favour of the extension of the Land Registry to the whole country. That committee presumably were much impressed by the evidence on this point of Sir Charles Brickdale, the Registrar of the County of London Land Registry, and ignored not only the undertaking of the Government which I have quoted, but also the report of the Royal Commission specially appointed to consider the working of the Land Transfer Acts made in 1911. That Commission stated that they were unable to find proof of the existence of any strong public feeling in favour of the compulsory registration of title, and found the system imperfect and declined to recommend its extension. The Commission was of opinion that the system should be first amended, and if after experience it then worked satisfactorily, a Bill for its gradual extension to the rest of the country might be considered. With one or two exceptions the amendments recommended by the Commission have not been adopted, and the position to-day is therefore the same as in 1911. I venture to quote the following extract from a speech made in the House of Commons on the 3rd March last on the occasion of the second reading of the Bill, by Viscount Cave, which bears upon this part of the subject: "I was, and still am, struck by the fact that whereas, ever since 1897 it has been open to any county council in the country to propose the application of land registration to its county, no county in the whole of England has taken that step. That is a remarkable thing, and I think it is a little dangerous without some thought to form a conclusion that a system which has only been imposed by compulsion upon one county, and has not been voluntarily assumed by any other county in the whole country, is a system that ought to be applied to the whole of the United Kingdom." Under the Bill an Order in Council can be made extending to any county the land registry: a county council or the local law society may demand a public inquiry to be held. In such case the Lord Chancellor then appoints a person to hold the enquiry and report to the Lord Chancellor, who may decide to proceed with the Order. The draft Order is to be laid on the table of both Houses of Parliament. If an address in either House is carried, the Order may forthwith be made. If an address is not carried in the first session the draft Order may be laid in any subsequent session of the same Parliament. No such Order can be made until after the expiration of two years from the commencement of the Act, and only one Order within three years. It will be observed that initiative of the County Council given by the Land Transfer Act is destroyed by the Bill. It may follow that "the person" appointed to hold the enquiry will not necessarily be one with judicial training, and he will proceed to the enquiry with the pre-knowledge that it is proposed to make registration compulsory in the given area unless cause is shewn. Without in any way questioning the bona fides of the inspector, it is obvious that the strongest possible case would have to be made by the locality affected, and the necessary expense incidental to the inquiry, which must in the natural order of things be of considerable amount, would probably be borne by the locality. It is difficult to surmise what arguments or reasons can be adduced at the local enquiry which are not common to London and the whole country, and are not already perfectly well known and have already been repeatedly urged and are on record. Even if the inspector were to report adversely, it is still open to the Lord Chancellor to proceed with the Order. Assuming that the Lord Chancellor did not proceed in every case, there would arise throughout England and Wales a patchwork system of registration of title, obtaining in some counties and not in others. I venture to think that Lord Cave's remarks which I have quoted unanswerable. If a county wants the system, the Council will ask for it; if it does not want it, why should it be forced on the county? I need not weary you with the many disadvantages from the point of view of the conveyancer of the system of registration of title. The layman does not appreciate the technical difficulties which practitioners are faced with, but he will understand that clause 177 will certainly involve the creation of another great and costly Government Bureau, with all the attendant delay, expense and irritation which experience has shown to be the inevitable result of State control and interference. The assimilation of the law of realty to that of personalty, and the other changes which the Bill proposes, will make the transfer of and dealings with land so simple and expeditious that a register of any kind, and especially a register of titles, will be wholly unnecessary and would, if established, prove a costly, dilatory, inconvenient and oppressive burden. Sir Charles Brickdale, the Land Registrar, in his last report states that the average annual cost for the preceding five years of the London Registry was approximately £50,000. In his evidence before the Royal Commission he then estimated the cost of provincial establishments from £300,000 to £400,000 a year. Since that date the cost of the London Registry has roughly doubled, and, having regard to the expense in these days of providing buildings for the accommodation of the provincial registries, in addition to the salaries and other expenses at rates now ruling, Sir Charles Brickdale's estimate must

probably be doubled. To this expenditure must be added the cost to the vendors and purchasers of the unnecessary and unwanted act of registration which in the aggregate would amount to a very large sum. It has to be borne in mind that it is the register itself that is the evidence of ownership, not the land certificate; and therefore in strictness the parties should attend at the registry to complete a purchase or a mortgage. It cannot be expected that there should be a land registry in every town and necessarily journeys from various points of a county to the registry will be frequent and will increase the client's bill of costs. Last January the Council published a historic and reasoned memorandum dealing exhaustively with the subject; it was circulated *inter alios* among the county councils and boroughs. Lord Galway, the president of the County Councils' Association, moved in committee of the House of Lords the rejection of sub-clause 4 of clause 177, but was unsuccessful. On the same occasion the Lord Chancellor withdrew the whole of Part 1 of the Bill for the purpose of considering certain amendments submitted by Lord Cave. Part 1 contains the provision for assimilating the law of realty to the law of personalty, and as the Bill without Part 1 would be like the play of Hamlet without a Hamlet, presumably Part 1 will be restored on taking the Report Stage of the Bill. I sincerely hope so, for unnecessary as registration of title will be when the law affecting realty is simplified, unless this is done that system is obstructive and infinitely more objectionable. Having regard to the difficulty of transition from a system centuries old to a new system, an experimental period of two or three years, which is all the Bill provides before registration of title can be imposed on the counties, would be wholly insufficient; and if, unfortunately, the House of Commons should insist upon retaining sub-clause 4 of clause 177, the periods of two and three years should be substantially extended. I think you will agree that in any case, before there is imposed upon the provinces the burden of a huge Government bureau, a sufficiently long experimental period should elapse to prove whether or no a registry under the altered law of realty is really essential. If after experience the public demanded it, it would always be open to a county council to exercise its existing option and at any time to apply for the application to that county of the Land Transfer Act of 1897.

The Growth of the Bureaucracy.

I cannot conclude this address without a reference to the danger which confronts the community at large from the multiplication of Government departments. I recall that the Law Society was one of the first public bodies to draw attention to the serious consequences to the nation involved in the assumption by the State of functions and duties which had hitherto been transacted by individual enterprise. In those days we called it officialism; our profession had early and prejudicial experience when the Government took over bankruptcy business, trustee and executorships. I may here remark that five-sixths of bankrupt estates are withdrawn from the control of the Board of Trade by creditors as soon as they are permitted, and that the cost of winding up by officials is about double that by trustees under deeds of arrangement. The winding up of companies, and compulsory registration of title for the county of London followed. These measures took from solicitors a large portion of their professional income, but the client has been in no way benefited. I could occupy much time in a reference to legislation which has given rise to an enormous increase in the number of State officials:—The Small Holdings and Allotments Acts; The Labour Exchange; The Development Fund; Land Valuation; the telephone service; National Health and Unemployment Insurance; and transport, are modern instances of the Government assuming control. Agitation is persistent for the nationalisation of mines, railways, and other industries, and the Government have already yielded and promised to nationalise minerals. Nationalisation involves the setting up of more Government departments and increasing the already large number of officials. The great war and its consequences necessitated the establishment of many bureaux which still exist, which are slow to close down, and are manned by an army of Civil servants at an enormous expense. There are roundly 90,000 more Civil servants to-day than at the date of the armistice. In 1894 the cost of Civil administration (exclusive of revenue departments) was less than £17,000,000: the present cost is in hundreds of millions. We must not lose sight of the fact that the more the Government undertakes the work of the nation, the more individual effort is suspended, and the smaller becomes the scope of success in life for the subject. Again, departments may override the rights of the individual. In differences between the State and the subject, the former can command the services of the law officers of the Crown and the public purse in litigation, so that the subject may well hesitate to resort to the courts, however good he may think his case to be. Thus the Government could in practice prevent the subject from obtaining justice, and the growth of officialism might result in a despotism as bad as the tyranny of an absolute monarchy of past times. Let it never be spoken that

> "England that was wont to conquer others.
> Hath made a shameful conquest of herself."

We all appreciate that in a civilized community there can be no such thing as complete liberty: liberty uncontrolled would soon degenerate into licence. The genius of the British race has avoided anarchy on the one hand and government by Star Chamber on the other; and has evolved, and established throughout the far-flung Empire, a system of ordered freedom which commands the admiration of the civilized world. It is a priceless heritage from past generations in the jealous preservation of which it behoves every one of us to take a part. Every nation gets the government it deserves, and nations are but an aggregate of individuals. In the first instance, it is the Government which sets up the department: in its turn the department, if it does not completely control, fetters and restricts the will of the State. It implants itself so firmly that even the authority that created it seems powerless to uproot it. Bureaucracy is like the great upas tree, whose baleful shadow blights the fair ground beneath. Wider it spreads its branches, deeper it thrusts its roots, sapping the energies, the resourcefulness, and the independence of the people. It was these qualities that helped to make England in the past what England is to-day, great and free and powerful. We want no replica of the foreign bureau in this free land of ours:

> "A land of settled government,
> A land of just and old renown,
> Where freedom slowly broadens down,
> From precedent to precedent."

Sir Norman Hill (President of the Liverpool Incorporated Law Society) moved a vote of thanks to the President for the paper.

Mr. Dudley J. Hart (president of the Manchester Law Society) seconded the motion, which was carried with acclamation.

Presentation to Mr. Morton.

Mr. A. Copson Peake (Leeds) on behalf of the Associated Provincial Law Societies, presented a testimonial to Mr. Morton, in recognition of his services to the association. He said that Mr. Morton had been continually present at its meetings since the year 1878, and associated with its work; he had been one of the hon. secretaries and treasurers since 1892. For some years Mr. Thomas Marshall, of Leeds, was with him, subsequently Mr. A. Barlow, of Nottingham, and latterly he had been sole hon. secretary and treasurer. He was mainly instrumental in obtaining the Act of Parliament which authorized the appointment of a provincial solicitor on the Supreme Court Rule Committee, and he was the first provincial solicitor appointed on that committee, of which he had since continued a member. He propounded the scheme which was adopted by the association in 1896 for the selection and nomination of country candidates for the Council of the Law Society, which, with some amendments, was still in operation. He had initiated and assisted in carrying into effect many useful amendments to various Bills in Parliament, and had been of service to the profession in many other matters. He had represented the interests of the association and the country solicitors on the Council of the Law Society for many years past, and they congratulated him on being president. The inscription upon the testimonial was as follows:—"Presented to Charles Henry Morton, Esq., by the Associated Provincial Law Societies in grateful recognition of his services as Hon. Treasurer and Secretary for the past 28 years. Oct. 1920."

The President expressed his thanks for "the most beautiful and artistically wrought pieces of silver" which had been presented to him. His long connection with the Association, of which Mr. Peake had spoken, had been a time of great pleasure to him; and, as the Association had no executive committee, it necessarily followed that the work fell upon the Secretary. He had watched the Association grow in influence and usefulness until it ranked from the the point of professional position second only to the Law Society. He had found an ample reward for what he had been able to do in the many friendships he had made amongst his brother solicitors in various parts of the country.

The testimonial consisted of two very handsome silver cups.

Education for the Profession.

Sir Norman Hill (Liverpool) read a paper entitled, "The General and Technical Education needed by a Student for the Solicitor's Profession," in the course of which he said the question whether it was wise to attempt to acquire concurrently both the theoretical and practical training in law had often been discussed. The need for practical experience was increasing. Nearly two generations of energetic legislation, affecting almost every conceivable interest in the country, had made it impossible for the solicitor to have at his finger ends the law on all points; but under the ever widening and deepening of State control the work and the responsibilities of solicitors had increased, and were increasing. It was work that in all its branches called for sound judgment, and that must be based on the understanding of fundamental principles. He would urge a revision of the standards in both the intermediate and final examinations, and that they should be made primarily tests of the student's understanding of the general principles of law, and of his power to apply those principles with sound judgment. He suggested that the student should be also examined at the final in two subjects of his own selection, for example, conveyancing and trusts, or commercial law and company law, or commercial law and the laws relating to land and sea transport, or the laws controlling the administration of corporations and local authorities and criminal law. The aim, he thought, should be to arrange the grouping so as to correspond roughly with the class of work to which solicitors specially devote themselves. He believed that within these limits, and following on a liberal general education, the theoretical and practical training of the law student could proceed concurrently, to the best advantage of the student, the profession, and, what was of all importance, the public.

Sir Charles Longmore (Hertford) asserted that the Law Society examination was an admirable one. In that examination the Society succeeded in selecting the best men, with very few exceptions. He had never known a man take high honours who had not thoroughly de-

served them, and who had not proved in after life that he was a very able fellow. Sir Norman Hill had suggested the possibility of specifying in the final examination more than at present, but that did not commend itself to him. It was not the best way of finding out if a man was qualified. What he needed was to possess a general knowledge over a very considerable range. A man might in Liverpool, say, have had much to do with shipping or commercial law, and pass a very good examination in those subjects, but he might, as a solicitor, have to deal with many other subjects; so the best plan was to educate him over a very wide range. If an expert was wanted, counsel should be called in. The man did best at the Society's examination who took up most subjects and answered most questions; and, in his opinion, that was the best examination for a man in the solicitor branch. He believed the lectures of the Law Society did a very large amount of good. He did not like it to be thought that the coaches were not of very great service; they put a young man through a very magnificent educational course. The men who took high honours at the final examination were, speaking generally, men of great attainments and thoroughly educated for the professional duties they had before them.

Mr. CHARLES SCRIVEN (Leeds) said there was a proposal before the Yorkshire Board of Legal Studies for the institution of an honour degree in law, and the man desiring to take it would be permitted to take an extra year of study, either before or after his final examination, at some approved law school in any particular subject he desired to specify in. This would furnish a way out for Sir Norman Hill on the very point to which he attached some importance. The present method of university training gave very sound knowledge of principle, which the student could logically argue out for himself and apply in the practice of the law.

Mr. C. L. NORDON (London) thought the mere examination an insufficient test of the ability to practise. He suggested that the Council should issue a quarterly bulletin of changes in the law. Solicitors were responsible for the slightest slip in advising clients. There should be some system for the post education of the solicitor.

Sir R. S. TAYLOR, as an old member of the Education Committee, asserted that what was needed was a thorough grounding in the practical knowledge of law, which would enable a man to begin to practice after his examination; but, of course, his real educational work began after admission.

Mr. H. D. DARBISHIRE (Liverpool) said there were certain principles in law which should be made intuitive in an intending member of the profession. A great deal of time was at present taken up by teachers of the law in finding out what questions the examiners were likely to ask and preparing the students to answer them. The time so spent would be better occupied in teaching students the principles they would need in their work.

Mr. R. A. PINSENT (Birmingham) said a Bill had been drafted by the Society to the effect that every articled clerk should be required, either before or during his articles, to spend twelve months at a university or a recognized school of law.

Mr. J. L. WILLIAMS (Liverpool) advocated that a man should be given the option of specialising, so that he might get a real knowledge of the particular branch of law he intended to practise.

Mr. W. RAYWOOD (Kidderminster) urged that the five years under articles was sufficient for all purposes if the student took a proper interest in his work. He objected to any further education being made compulsory.

Mr. J. J. D. BOTTERILL (Vice-President of the Law Society), as a member of the Education Committee for many years, said the Society had sustained a great loss in the death of Mr. Sharpe, who was an educationist of a very high standard. He felt sure that the work necessary to enable a student to pass the examinations must be very useful to him in his future career. He thought there might well be a non-compulsory subject for students who had specialised in any particular branch.

Sir NORMAN HILL, in replying, said that in Liverpool the best lectures possible were provided for students, and these were supplemented by adequate classes. If a man was diligent and yet was not able to satisfy the examiners, either the system of teaching was wrong or the examination, and he thought it was the examination.

(To be continued.)

LECTURES ON THE HISTORY OF SOLICITORS.

Under the terms of a bequest for the purpose by the late Mr. Henry William Trinder, the Council of the Law Society has appointed Mr. E. B. V. Christian, LL.B., to deliver a short course of lectures on "The History of Solicitors." There will be four lectures, which will be delivered at the Law Society's Hall, at 5.30 p.m., on Monday the 18th, Tuesday the 19th, Thursday the 21st, and Friday the 22nd instant. In pursuance of the terms of the bequest, the lectures will be open, free of charge, to law students, solicitors, and clerks of solicitors.

LEGAL EDUCATION COMMITTEE.

(TRINDER BEQUEST.)

SYLLABUS OF COURSE OF LECTURES ON THE HISTORY OF SOLICITORS.

I.

The Origin of Vocations—The Beginnings of Legal Representation—Gradual Growth of the Right to Appoint Attorneys—The First Attorneys—Rise of a Legal Profession—Attorneys in the Year Books—The Ordinance of 1292—Limitation of Attorneys to 140—Increase in Number during 13th Century to 2,000—Litigious Character of the Time—The Beginning of Costs—Costs the Mark of Attorneydom—Early Bills—Limitation of Fees—Statute of 1402—Attorneys to be Good and Virtuous and Examined by the Judges—Commons' Complaints in 1411—The Inns of Court as a University—The Relations of the Attorneys to the Inns—Statute of 1455 Limiting the Number of Attorneys in Norfolk and Suffolk—Attorneys in the Paston Letters—Poor Man's Lawyers in 1494—Attorneys Limited to their Own Courts—Inquiry into Abuses in 1567—Order of 1582—Regular Attendance at the Courts Required—Where Attorneys did their Business—Number of Attorneys in Dorsetshire Reduced—Complaint of Lawyers' Prosperity under Henry VIII. and Elizabeth—Contemporary References—The Statute of 1605—West on Attorneys.

II.

Stage Plays as Evidence—The Lawyer in the Elizabethan and Jacobean Drama—"The Honest Lawyer"—"Ignoramus," a Play which Shook the Legal Profession—Conflict between the Common Law and the Civil Law—Between Town and University at Cambridge—Their Legal Encounters—King's Visit to Cambridge—His Dislike of the Common Law—Lawyers' Latin and the Language of the Law—The Play—Ignoramus the Lawyer and His Clerk, Dulman—The Common Lawyer shewn to be Ignorant, Opinionated, Dishonest, and Ridiculous—Anger in the Courts—The Play's Consequences—The Odium Transferred to the Attorneys.

III.

The "Expansion of England" and English Law—Rise of Commercial Law—Increase of Range of the Lawyer's Interests—The Lawyer in the 18th Century—His Library—His Unpopularity—The Rise of Solicitors—The Solicitor in Chancery—The Six Clerks and the Sixty Clerks—"The Complete Solicitor"—How Solicitors became Conveyancers—Struggle with the Scriveners—The Act of 1729—Articles of Clerkship Required—Limitation of Number of Articled Clerks—Certificate Duty Imposed, 1785—Stamp Duty on Articles, 1795—The Society of Gentlemen Practisers—The Foundation of the Law Society—Growth of a Professional Standard of Conduct.

IV.

The History of Education for the Law—Courses of Reading Prescribed by Early Advisers—Final Examination Instituted, 1836—Preliminary and Intermediate Examinations, 1860—Legal Education a Combination of Apprenticeship and Academic Training—Unpicturesque Progress of the Profession—Relations with the Bar—Judges and Solicitors—Remuneration: "Oh, that's the Latin name for Three Farthings"—Solicitors as Law Reformers: the Courts, Conveyancing, &c.—Proposals of Fusion—Free Solicitors or Free Advertisements?—Present Position of the Profession.

The Council has appointed to the vacancies in its Tutorial Staff, which were announced last June, Mr. R. S. T. Chorley, B.A., Mr. A. C. Hagon, B.A., LL.B., and Mr. P. A. Landon, M.A., all of the Inner Temple, barristers-at-law, out of a carefully considered list of twenty-five candidates. In addition to their high academic and professional attainments, the three appointed candidates have to their credit active service during the war, Mr. Hagon having flown for four years on the Western Front and reached the rank of Major and Squadron Commander (Pilot), while Mr. Landon was awarded the Military Cross. Mr. Landon also holds the teaching diploma with distinction of the Board of Education.

The Society of Incorporated Accountants and Auditors (A.D. 1885).

EXAMINATIONS.

Notice is hereby given, that the next examinations of candidates resident in England and Wales will be held in London, Manchester and Cardiff on the following dates:—

Preliminary examination on 16th and 17th November.
Intermediate examination on 18th and 19th November.
Final examination on 17th, 18th and 19th November.

Candidates desirous of presenting themselves must give notice to the undersigned on or before 20th October, 1920.

Women are eligible under the Society's regulations to qualify as incorporated accountants upon the same terms and conditions as are applicable to men.

By order of the Council,
A. A. GARRETT, Secretary.

50, Gresham-street, London, E.C. 2.

Corpse Ways.

The following is the extract from the "Addington Parish Magazine" referred to in Mr. Hargrave's letter, which we print elsewhere :—

ADDINGTON : EXTRACTS FROM THE OVERSEERS' BOOKS, 1791—1822.

We have already mentioned that Thomas Deighton and Jeremiah Solomon were Overseers of our parish in the closing years of the 18th century. . . .

Continuing our quest we come upon the following :—

		s.	d.
"1794, Sept. 25.	Paid for Coffin and Shroud for Henery Ounsted	12	0
" " "	Paid the men on the Jurey...	11	0
" " "	Paid the parson and the Clark	4	9
" " "	What the men had to Eat and Drink	8	2
" " "	The Woman that Laid him out for Gin	1	0
" " "	What the farmers had to Eat and Drink ...	17	0
" " "	For going for the Coroner	5	0
" " "	For fetching the corpse from addington Lodge to the Church	4	0
" Sept. 26.	Received of the Overseers of Addington two pence for Bringing the Corpes of the Late Henry Hounsted through Adington Lodge yard to ye Church by Francis Fuller."		

Scanning the above formidable list one is almost inclined to believe that quite a jollification took place over the poor man's remains. Evidently the farmers had their share, for their requirements cost as much again as those of the men.

The receipt dated September 26th is worth notice. It informs us that a toll was levied for allowing the corpse to pass through the farm-yard, thereby preventing anyone claiming a right of way through the said yard.

Until near the end of last century it was the belief of many that a corpse having been carried along any particular route made that way a public one.

Concerning our own parish I have heard old inhabitants declare it was necessary that three bodies should be borne thus before the right could be established.

Legal News.

Changes in Partnerships.

Dissolutions.

GEORGE FREDERICK CLARK and LAWRENCE LAYTON CRISP, solicitors (Clark & Crisp), 357, High-road, Chiswick, Middlesex. Sept. 18. [*Gazette*, Oct. 8.

Information Required.

REQUIRED, SOLICITORS OF ELIZABETH MORETON, who died about 1890.—N., 12, Verdant-lane, Catford.

AUGUSTUS GEORGE FABER, Deceased.—Any persons having any claims against or holding any property belonging to the above deceased, late of 88, St. James'-street, S.W. 1, and 62, London-wall, E.C. 2, and Royal Hotel, Henley, are requested to at once communicate with Messrs. Mayo, Elder & Co., 10, Drapers'-gardens, London, E.C. 2, solicitors for the executor.

General.

Dr. Waldo, J.P., H.M. City Coroner, and President, London Coroners' Association, has been elected unanimously Master of the Plumbers' Company.

The commencement of another Michaelmas Term brings about the disappearance of men who have spent a lifetime in the legal profession. A well-known figure, and one who will be greatly missed in the Law Courts and neighbourhood, will, we regret to say, no longer be amongst us : Mr. W. H. Gaywood, who was managing Chancery clerk to Messrs. Tucker, Lake, & Lyon for nearly fifty-five years, has retired. He was noted for his courtesy and geniality, and it is to be hoped that he will live for many years to enjoy his well-earned rest.

Shareholders of De Keyser's Royal Hotel are notified that the creditors whose claims are admitted are being paid in full, and the preference shareholders are receiving a return of £1 per share, being the full amount of their capital subscribed. The question has now arisen as to whether the preference shareholders are entitled to arrears of dividend in priority to any return being made to ordinary shareholders. Counsel's advice has been taken, and is to the effect that the preference shareholders are not so entitled, but in order that the matter may be placed beyond dispute the directions of the Court will be taken.

The next examination of candidates for admission into the Society of Incorporated Accountants and Auditors will be held on 16th, 17th, 18th and 19th November. Women are eligible under the Society's regulations to qualify as incorporated accountants upon the same terms and conditions as are applicable to men.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court No. 1.	Mr. Justice Eve.	Mr Justice Sargant.
Monday, Oct. 18	Mr. Church	Mr. Synge	Mr. Jolly.	Mr. Church
Tuesday 19	Leach	Jolly	Church	Leach
Wednesday.... 20	Goldschmidt	Church	Leach	Goldschmidt
Thursday 21	Borrer	Leach	Goldschmidt	Borrer
Friday 22	Bloxam	Goldschmidt	Borrer	Bloxam
Saturday 23	Synge	Borrer	Bloxam	Synge

Date.	Mr. Justice Astbury.	Mr. Justice Peterson.	Mr. Justice P. O. Lawrence.	Mr Justice Russell.
Monday, Oct. 18	Mr. Leach	Mr. Goldschmidt	Mr. Borrer	Mr. Bloxam
Tuesday 19	Goldschmidt	Borrer	Bloxam.	Synge
Wednesday .. 20	Borrer	Bloxam	Synge	Jolly
Thursday 21	Bloxam	Synge	Jolly	Church
Friday 22	Synge	Jolly	Church	Leach
Saturday 23	Jolly	Church	Leach.	Goldschmidt

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

London Gazette.—FRIDAY, Oct. 8.

CORINTHIAN BUILDINGS, LTD. (IN VOLUNTARY LIQUIDATION.)—Creditors are required, on or before Oct. 26, to send their names and addresses, and the particulars of their debts or claims, to Percy Blackburne White, 17 and 18, Browns-bldgs., Exchange, Liverpool, Liquidator.

BUSINESS H.Q.'S, LTD.—Creditors are required, on or before Nov. 8, to send their names and addresses, and the particulars of their debts or claims, to Thomas Gilbert Haward, 6, Broad Street-pl., liquidator.

VECTIS ENGINEERING CO., LTD.—Creditors are required forthwith to send their names and addresses, and the particulars of their debts or claims, to W. M. Fay, 38, Victoria-st., liquidator.

BRACHT & CO., LTD. (IN VOLUNTARY LIQUIDATION.)—Creditors are required, on or before Nov. 2, to send their names and addresses, and particulars of their debts and claims, to Geoffrey Bostock, 21, Ironmonger-la, liquidator.

NAGROM SYNDICATE, LTD. (IN VOLUNTARY LIQUIDATION.).—Creditors are required, on or before Nov. 12, to send their names and addresses, and the particulars of their debts or claims, to William Radford Hughes, Winchester House, Old Broad-st., liquidator.

NORTHERN ROWTON HOUSES, LTD.—Creditors are required, on or before Nov. 5, to send their names and addresses, and the particulars of their debts or claims, to Arthur L. Bird, 21, Grainger-st. West, Newcastle-upon-Tyne, liquidator.

London Gazette.—TUESDAY, Oct. 12.

DARRING, CROFT, BROWN, LTD.—Creditors are required, on or before Nov. 12, to send in their names and addresses, with particulars of their debts or claims, to Francis R. J. Cox, 36 and 37, Queen-st., liquidator.

STAINCLIFFE MILL CO., LTD.—Creditors are required, on or before Nov. 23, to send their names and addresses, and the particulars of their debts or claims, to H. F. Chadwick, 25, Church-st., Dewsbury, liquidator.

CUBAN PETROLEUM CO., LTD.—Creditors are required, on or before Nov. 16, to send their names and addresses, and the particulars of their debts or claims, to Robert Douglas Gordon Morris, 242, Finsbury Pavement House, liquidator.

G. H. SCHOLES, LTD.—Creditors are required, on or before Nov. 16, to send their names and addresses, and the particulars of their debts or claims, to Frank Meggison, 12, St. Peter's-sq., Stockport, liquidator.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, Oct. 1.

G. H. Scholes Ltd.
H. Gershon, Ltd.
Central Marylebone Motor & Garage Co., Ltd.
S. Jowett & Co., Ltd.
General Film Renting Co., Ltd.
William Foden (1919), Ltd.
Isis Syndicate, Ltd.
Edward W. Day & Co., Ltd.
Kem Mills Manufacturing Co., Ltd.
W. & J. Kay & Co., Ltd.
Charles Holmes, Ltd.
J. R. Pendlebury, Ltd.
Samuel Irlam, Ltd.
Kent & Swarbrick, Ltd.
John Cox (Bury), Ltd.
J. S. Hill, Ltd.
Vose & Son, Ltd.
J. R. Law, Ltd.
Arnold & Hough, Ltd.
Ralph Mason, Ltd.
J. H. Graham, Ltd.
A. M. MacCallum, Ltd.
R. Bell & Sons, Ltd.
Sextron Colour Oxidising Co., Ltd.
Blackpool and Fylde Newspaper and Printing Co., Ltd.
Bedford Garment Manufacturers, Ltd.
Jakeman's, Ltd.

London Gazette.—TUESDAY, Oct. 5.

State of Bahia Cocoa Estates, Ltd.
Walter Scott (Rock Ferry), Ltd.
Liverpool Warehouse Construction Co., Ltd.
William Gilgryst & Co., Ltd.
Sopwith Aviation and Engineering Co., Ltd.
Grantham & Walton, Ltd.
Clayton (Bradford) Cinema Co., Ltd.
Shotter & Dare-Mordle, Ltd.
Thomas Braithwaite & Co., Ltd.
Holmes Northern Counties Supply Stores, Ltd.
Electric Fishing Co., Ltd.
Corwen (Temperance) Hotels, Ltd.
Cadburys, Ltd.
British & Colonial Import and Export Co., Ltd.
French Investment Trust, Ltd.
Acme Metal Works, Ltd.
Public Works Contract Co., Ltd.
Rumie Co., Ltd.
Easton & Garrod, Ltd.
London Café Co., Ltd.
Blackburn Motor and Engineering Co., Ltd.
Wordsley Motor Body Co., Ltd.
Mutual Taxi-Cab Supply Co., Ltd.
John Milton, Ltd.
Nilai Rubber Syndicate, Ltd.
Birkenhead Palladium Picture Hall, Ltd.
Birkenhead Empire Picture Hall, Ltd.
New Ferry Lyceum Picture Hall, Ltd.
Aranmore Coliseum Picture Hall, Ltd.

London Gazette.—FRIDAY, Oct. 8.

Long Eaton Reporter, Ltd.
J. A. Brothers (Croydon), Ltd.
Chippenham Cheese Factory, Ltd.
Bradenham.
Ham C., Ltd.
Rice & Co. (Kettering), Ltd.
Hepburn, Gale & Ross, Ltd.
Samuel Barrow & Brother, Ltd.
Artillery & Albion Cement Co., Ltd.
Cecil Smith, Birch & Cox, Ltd.
Endcliffe Estates Co., Ltd.
Wiltshire Bacon Curing Co., Ltd.
Highbridge Bacon Factory, Ltd.
Staincliffe Mill Co., Ltd.
Stow-on-the-Wold Masonic Hall Co., Ltd.
Cardiff and Newport Patent Fuel Co. (Arrow Brand), Ltd.
Ammanford Steamship Co., Ltd.
Buttons Covered, Ltd.
Bracht & Co., Ltd.
George Bageley & Sons, Ltd.
Fredk. Mountford (Birmingham), Ltd.
Gildersome Liberal Club Building Co. Ltd.
Wardle Cotton Co., Ltd.
Nagrom Syndicate, Ltd.
J. H. Lee, Ltd.
W. Sharples, Ltd.
Highgate Aircraft Co., Ltd.
Stephenson, Sons & Co., Ltd.
Edward England, Ltd.

London Gazette.—TUESDAY, Oct. 12.

Cellé Dupont & Co., Ltd.
Darring, Croft, Brown, Ltd.
Woolley & Co. (Birmingham), Ltd.
Palace Furnishing Stores, Ltd.
Ryle Samuel & Co., Ltd.
Oriental Skin Co., Ltd.
Ringwood Cottage Building Co., Ltd.
Pacific Phosphate Co., Ltd.
James Allott & Sons, Ltd.
Deans (Elton), Ltd.
Cuban Petroleum Co., Ltd.
Arlington Motor Co., Ltd.
Surrey Weekly Press, Ltd.
Noel Brothers, Ltd.
Mutual Bakery, Ltd.

Creditors' Notices.

Under 22 & 23 Vict. cap. 35.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, Oct. 5.

BING, SUSANNAH, Hastings. Nov. 6. Allen, Edwards & Oldfield, 16, Eastcheap.
BINKS, ISABEL, Wakefield. Nov. 6. J. B. Cooke, Wakefield.
BROWN, FRANCES ADA, Ansticks Green, Warwick. Nov. 6. W. H. Stoddard, Birmingham.
BUCKLEY, SARAH, Saddleworth, York. Nov. 12. Rowntree & Ritson, Oldham.
BULLER, HANNAH, Bolton-le-Sands, Nov. 5. Lonsdale & Grey, St. Anne's-on-the-Sea.
BURGESS, WILLIAM, Macclesfield, Licensed Victualler. Nov. 10. Scott, Start & Mottershead, Macclesfield.
CAHEN, JULES, Paris, France. Oct. 25. Hicks, Arnold & Bender, 35, King-st., Covent Garden.
CARTWRIGHT, WILLIAM, Chester, Engineer. Nov. 6. Arthur Edward Grundy, Manchester.
CAUNTON, JAMES ALBERT, Kensington. Nov. 6. Little & Bloxam, Stroud, Glos.
DUCK, HENRY, Whitby, York, Draper. Nov. 1. Colin Brown, Wilkinson & Wharton, Whitby.
FARRELL, MARY DORIS, Atherton. Nov. 6. Arthur Edward Grundy, Manchester.
FISHER, FRANK DOUGLAS, Fulham-rd., Dentist. Nov. 5. Kimber Bull, Howland, Clappé & Co., 6, Old Jewry.
FRASER, ANN, Cheadle. Nov. 11. Robert Davies & Co., Warrington.
FREEMAN, THOMAS RICHARD, Monkton Combe, Somerset. Dec. 1. E. Witchell & Sons, Stroud, Glos.
GOUGH, ALICE JANE, Harrow-on-the-Hill. Nov. 20. Graham, Son & Drewry, 8, Hanover-sq.
GREENHALGH, SUSANNAH, Blackburn. Nov. 1. Costeker, Smitton & Holme, Darwen.
HARRISON, GEORGE, Camden Town. Nov. 11. Coburn & Co., 11, St. Helen's-pl., Bishopsgate.
HERITAGE, ELIZABETH LOUISA, Southampton. Nov. 6. Pearce & Keele, Southampton.
HEWITT, THOMAS JOHN, Salford, Lancs, Licensed Victualler. Nov. 6. Arthur Edward Grundy, Manchester.
HUBERT, JOHN, Wolverhampton. Oct. 30. Benjamin Hall, Wolverhampton.
JAMES, LEWIS HENRY, Colombo, Ceylon, Civil Servant. Nov. 30. Gurcotte, Wadham & Co., 19, Essex-st., Strand.
JOPSON, ALICE, Bury, Lancs. Nov. 13. Butcher & Barlow, Bury.
JUDAH, AUGUSTE, Regent-st. Oct. 25. Hicks, Arnold & Bender, 35, King-st., Covent Garden.
KINSEY, RUDOLF JULIUS, Purley. Nov. 6. Roney & Co., 42-45, New Broad-st.
MAY, SARAH HANNAH, Radcliffe-on-Trent. Nov. 5. Taylor & Capes, Doncaster.
MEADE, THOMAS, Hounslow. Nov. 1. Finnis, Downey, Linnell & Chessher, 314, High-rd., Chiswick.
MILNE, LOUISA ELIZABETH, St. Leonards-on-Sea. Nov. 20. Thorowgood, Tabor & Hardcastle, 11, Copthall-ct.
MONKS, ESTHER ANN, Weaste, Lancs. Nov. 6. Arthur Edward Grundy, Manchester.
MORRELL, HAROLD FRANCIS, Ontario, Canada. Nov. 1. Will H. Paterson, 24a, Kensington Park-gdns.
MORECROFT, HERBERT JOHNSTON, Clyde Bank, near Glasgow, Theatrical Manager. Oct. 6. Morecroft, Sproat & Killey, Liverpool.
MOSS, ARTHUR, Birmingham, Baker. Nov. 6. W. H. Stoddard, Birmingham.
NUTTER, LAWRENCE, Nelson, Lancs, Manufacturer. Nov. 15. James Chapman & Co., Manchester.
OULMAN, CAMILLE ALPHONSE, Paris, France. Oct. 25. Hicks, Arnold & Bender, 35, King-st., Covent Garden.
PARTRIDGE, EDWARD, Walsall. Oct. 30. H. Lenton Lester, Walsall.
PILKINGTON, JOSEPH, Fallowfield, Manchester. Nov. 1. Brooks, Marshall & Moon, Manchester.
REES, EDMUND CLEATON, Gosforth, Northumberland, Oil Refiner. Nov. 18. Lundi, Shortt & Fenwicke, Newcastle-on-Tyne.
ROBERSON, AMY, Ashton-under-Hill. Nov. 8. Byrch, Cox & Sons, Evesham.
RUST, DANIEL, Martham, Norfolk, Coal Merchant. Nov. 16. Wiltshire, Sons & Jordan, Great Yarmouth.
SUTTON, CHARLES, Old Trafford, Lancs. Nov. 6. Arthur Edward Grundy, Manchester.
THOMAS, MARY ANN, Cardiff. Oct. 7. W. B. Francis & Son, Cardiff.
VANSTONE, WILLIAM, Moston, Lancs. Nov. 6. Arthur Edward Grundy, Manchester.
VOLPI, ANNA, Ascot, Berks. Nov. 15. Albert M. Oppenheimer, 31, Queen Victoria-st.
WATKINS, THEODORE EDGAR, Drayton-gdns. Nov. 11. Guillaume & Sons, 9, Salisbury-sq.
WALLER, EDWIN, Thorpe Hesley, York, Innkeeper. Nov. 1. Smith, Smith & Fielding, Sheffield.
WIGMORE, EMILY ANN EMMA, Stroud, Glos. Nov. 10. Winterbotham & Sons, Stroud.
WOODHAM, CONSTANCE SARAH NASH, Cambridge. Oct. 22. Wortham & Co., Royston, Herts.

London Gazette.—FRIDAY, Oct. 8.

ANDREW, WILLIAM CHARLES, Appach-rd., Brixton-hill. Nov. 13. Pearce & Nicholls, 12, New-ct., Lincoln's Inn.

ATKINSON, JOHN, Consett, Durham, Retired Builder. Nov. 10. J. Murray Aynsley, Consett.

ARCHER, EDGAR ATHOL, Aston, Stamper. Dec. 31. William Coley, Birmingham.

BARNS, SAMUEL BENJAMIN, Solihull, Warwick. Nov. 30. Thomas F. Walker, Birmingham.

BATTINSON, ISAAC WILLIAMSON, Lisgar-ter., West Kensington. Nov. 3. Henry F. Johnson & Son, 18, Theobalds-rd.

BATEY, SARAH ANN, Consett, Durham. Nov. 10. J. Murray Aynsley, Consett.

BELLOWS, SAMUEL, Southampton. Nov. 15. Waller, Thornback & McCarraher, Southampton.

BENTLEY, MARY ANN, Gorton, Manchester. Dec. 1. Jno. Clayton & Son, Ashton-under-Lyne.

BELL, MARY, Workington. Nov. 13. Paisley, Falcon, Skerry & Highet, Workington.

BOTT, ELIZABETH, Bledlow Ridge, Buckingham. Oct. 25. Bliss & Sons, High Wycombe.

CAUNT, WILLIAM BEEDHAM, Nottingham. Dec. 6. Thorpe, Perry & Ford, Nottingham.

CURZON, Hon. WALBURGA MARIA, Grosvenor-pl. Nov. 1. Joseph Barrett & Son, 7, Leadenhall-st.

CURZON, Hon. WILLIAM SOUTHWELL, Grosvenor-pl. Nov. 1. Joseph Barrett & Son, 7, Leadenhall-st.

DALRYMPLE, MARY JANE, Disraeli-rd., Ealing. Dec. 1. Pilley & Mitchell, Bedford-row.

ELLIS, JOHN WATKINS, Llanfair-caereinion, Montg., Stationer. Nov. 6. Chamberlain & Johnson, Llandudno.

ELLIOTT, CHARLES ALLEN, Exmouth. Dec. 6. Andrew, Wood, Purves & Sutton, 8 and 9, Great James-st.

GIBBINS BENJAMIN THOMAS, Parkstone, Dorset. Nov. 15. W. J. Cousins & Fletcher, Leeds.

GOODMAN, DAVID, Mile End-rd. Nov. 12. Pearce & Nicholls, 12, New-ct., Lincoln's Inn.

HALEY, HARRIET, Cleckheaton, York. Nov. 8. Clough & Crabtree, Cleckheaton.

HARDWICK, ALFRED FULLER, Brighton, Solicitor. Nov. 15. Pearce & Sons, 58, West Smithfield.

HESKETH, JAMES HENRY, Aldersgate-st. Nov. 13. Phillips, Son & Rollinson, 147, Cannon-st.

HOLLAND, HORACE LLOYD, Bournemouth. Nov. 30. Hastie, 65, Lincoln's Inn-fields.

HOLLAND, TOM WILKINSON, Middleton Cheney, Northampton. Nov. 30. Pellatt & Pellatt, Banbury, Oxon.

HOWDEN, FLORENCE ELIZABETH, Oakley-st., Chelsea. Dec. 1. Pilley & Mitchell, 29, Bedford-row.

HUTTON, ROBERT, Latchford, Chester, Brewer. Nov. 5. Ormsby Taylor, Burton-on-Trent.

JENNER, THOMAS, Bath, Butcher. Nov. 19. W. T. Chesterman & Sons, Bath.

KELLAND, SYDNEY, Eastbourne, Lodging House Keeper. Dec. 8. Fredk. H. Stapley, Eastbourne.

KINCH, EDWARD, Haslemere, Surrey, Professor of Chemistry. Nov. 11. H. R. Owtram, Haslemere, Surrey.

KIRKWOOD, TOWNSEND MOLLOY, Egerton-gdns. Nov. 6. Hore, Pattisson & Bathurst, 48, Lincoln's Inn-fields.

LANGLEY, LUKE, Little Chart, near Ashford. Nov. 10. J. M. Poncia, Ashford, Kent.

LANGDON, HARRIETTE EMILY, Great Durnford, Wilts. Nov. 6. Wilson & Sons, Salisbury.

LEAK, HANNAH CRAMPTON, Heworth, York. Nov. 13. J. A. Shaftoe & Son, York.

LINES, ELIZA, Lower Wolvercote, Oxford. Nov. 18. Linnell & Murphy, Carfax, Oxford.

LORD, ELIZA ANN, Leicester. Nov. 30. Wright, Woodrow & Aysom, Leicester.

MATHEWS, FRANCIS HENRY, Forest Hill, Mechanical Engineer. Nov. 19. W. J. Pitman, 11/12, Finsbury-sq.

MAUNDER, JAMES, New South Wales, Australia. Nov. 12. Pearce & Nicholls, 12, New-ct., Lincoln's Inn.

MAUDE, CONSTANTINE RICHARD MOORSOM MITCHINSON, Harewood, York. Nov. 8. Wilsons, Ormsby & Cadle, North Bailey, Durham.

MERRIMAN, JOHN HENRY, West Byfleet, Surrey. Nov. 6. Hore, Pattisson & Bathurst, 48, Lincoln's Inn-fields.

MOULE, Right Rev. HANDLEY CARR GLYN, Lord Bishop of Durham, Bishop Auckland, Durham. Nov. 8. Wilsons, Ormsby & Cadle, North Bailey, Durham.

MONKS, EDMUND, Cardiff. Oct. 31. George F. Willett, Cardiff.

NESFIELD, GEORGE SMART, Scarborough. Nov. 20. Turnbull & Sons, Scarborough.

PAYNE, HENRY, Oberstein-rd., Wandsworth. Nov. 6. Long & Gardiner, 8, Lincoln's Inn-fields.

PENISTON, EDWIN, Wilton, Taunton. Oct. 30. G. H. Kite & Sons, Taunton.

PRATT, WILLIAM HENRY, Walsall, Corn Merchant. Oct. 31. Shelton & Co., Wolverhampton.

RAWNSLEY, Rev. HARDWICKE DRUMMOND, Grasmere, Westmorland. Nov. 15. Cunliffe, Blake & Mossman, 48, Chancery-la.

ROBINSON, ALFRED MAXWELL, Gateshead, Leather Worker. Nov. 1. Thos. Gee & Co., Newcastle-on-Tyne.

SARGEAUNT, RICHARD ARTHUR, Bedford. Oct. 15. Budd, Brodie & Hart, 33, Bedford-row.

SEWELL, RICHARD, Carlisle. Nov. 8. Sewell & Taylor, Carlisle.

STEPHENSON, FREDERICK WILLIAM MORRIS, Blackburn. Oct. 16. J. W. Carter, Blackburn.

AUBYN, EDITH EMILY St., Egerton-crescent. Nov. 5. Dawson & Co., 2, New-sq., Lincoln's Inn.

TAYLOR, GEORGE WILLIAM, Dowsby, Lincoln, Shopkeeper. Nov. 10. Cecil W. Bell, Bourne, Lincs.

THOMPSON, CHARLOTTE, Brownhills, Staffs. Dec. 4. Enoch Evans & Son, Walsall.

THOMPSON, MARY ANN EMMA, Dorset-sq. Nov. 15. Blair & W. B. Girling, Basinghall-st.

THOMPSON, FRANCIS EDWARD, Kingston-upon-Hull, Merchant. Nov. 15. William I. Stuart, Hull.

THORNTON, MIRIAM ANNETTA, Southampton. Nov. 15. Bassett, Stanton & Bassett, Southampton.

TROWER, FRANCES, Hassocks, Sussex. Nov. 18. Metcalfe, Hussey & Hulbert, 10, New-sq., Lincoln's Inn.

VAUGHAN, WILLIAM HENRY, Hereford. Nov. 30. Griffiths & Martin, Hay, Hereford.

WARD, ERNEST PAUL, Newport Pagnell. Nov. 8. E. D. Glanley, Newport Pagnell, Bucks.

WILLIAMS, THOMAS, Lytham, Lancs. Nov. 1. Tucker, Tucker & Richardson, Manchester.

WRIGLEY, WATTS, Ashton-under-Lyne, Grey Cloth Agent. Dec. 1. Jno. Clayton & Son, Ashton-under-Lyne.

Bankruptcy Notices.

London Gazette.—TUESDAY, Sept. 28.

ADJUDICATIONS.

MCCORMACK, JOHN, Rusholme, Grocer. Manchester. Pet. Sept. 7. Ord. Sept. 23.

MUMFORD, AMELIA LOUISE, Beauchamp-pl., Dressmaker. High Court. Pet. July 29. Ord. Sept. 25.

NORRIS, ARCHIBALD BURDETT, Bradford-on-Avon, Wilts, Commercial Clerk. Bath. Pet. Aug. 5. Ord. Sept. 25.

TREND, FREDERICK WILLIAM, East Retford, Notts., Draper. Lincoln. Pet. Aug. 28. Ord. Sept. 23.

WHITCHER, GEORGE & WHITCHER, FRANK, East Woodhay, Hants, Brick Manufacturers. Newbury. Pet. July 7. Ord. Sept. 24.

WILKINS, J., Regent-st., Warehouseman. High Court. Pet. Aug. 11. Ord. Sept. 25.

WOMBWELL, VICTOR MALCOLM, Coxwold, Yorks. High Court. Pet. July 16. Ord. Sept. 25.

Amended Notice substituted for that published in the London Gazette of July 13.

MELLETT, WILLIAM JOHN, Stamford Hill, Jeweller. High Court. Pet. Feb. 23. Ord. July 16.

Amended Notice substituted for that published in the London Gazette of Aug. 3.

ZIEGEL, LOUIS NAPOLEON, Oxford-st, Foreign Bookseller. High Court. Pet. June 1. Ord. July 29.

London Gazette.—FRIDAY, Oct. 1.

RECEIVING ORDERS.

BLAKEMAN, FRED, Moorside, near Oldham, Carrier. Oldham. Pet. Sept. 11. Ord. Sept. 28.

BOULTER, GEORGE, Ogle-mews, Ogle-st., Packing Case Maker. High Court. Pet. Aug. 25. Ord. Sept. 27.

BRUCE, ALFRED ERNEST, Ilkley, Yorks, Factor. Bradford. Pet. Sept. 29. Ord. Sept. 29.

BRUNT, WILLIAM, Sheffield, China Dealer. Sheffield. Pet. Sept. 29. Ord. Sept. 29.

CHAMBERS, C. F. M., Automobile Club, Pall-mall, Motor Engineer. High Court. Pet. Aug. 21. Ord. Sept. 27.

COLE, WILFRED, Isle of Ely, Cambs, Tobacconist. Cambridge. Pet. Sept. 27. Ord. Sept. 27.

DAWSON, GEORGE WILLIAM ROBERT, Woodstone, Huntingdon, Cycle Dealer. Peterborough. Pet. Sept. 27. Ord. Sept. 27.

DOOK, CHARLES, Kingston-upon-Hull, Boot Dealer. Kingston-upon-Hull. Pet. Sept. 28. Ord. Sept. 28.

ELSTON, ERNEST JAMES, Derby, Fish Merchant's Assistant. Boston. Pet. Sept. 28. Ord. Sept. 28.

HITCHEN, CHARLES HENRY, Barnstaple. Barnstaple. Pet. Sept. 28. Ord. Sept. 28.

LUPTON, WILLIAM, Sandpits, Birmingham, Printer. Birmingham. Pet. Sept. 27. Ord. Sept. 27.

MELLON, WILLIAM, Rotherham, Draper. Sheffield. Pet. Sept. 27. Ord. Sept. 27.

MUNFORD, ALFRED, Bromley, Kent, China Merchant. Croydon. Pet. Aug. 13. Ord. Sept. 28.

NORTH, JOHN HENRY, and ELLIOT DONALD BROOKE, Huddersfield, Joiners. Huddersfield. Pet. Sept. 28. Ord. Sept. 28.

RAWLING, ARTHUR, Morecambe, Burler. Bradford. Pet. Sept. 28. Ord. Sept. 28.

RUSSELL, JAMES WILLIAM DUNCAN, Leeds. Leeds. Pet. Sept. 27. Ord. Sept. 27.

WILLIAMS, W. H., Redruth, Cornwall, Cattle Dealer. Truro. Pet. Sept. 9. Ord. Sept. 29.

WOODS, THOMAS WARREN, Melbourn, Cambs, Baker. Cambridge. Pet. Sept. 28. Ord. Sept. 28.

Amended Notice substituted for that published in the London Gazette of Aug. 31.

KEATS, PHILIP PHINEAS, Birmingham, Chemist. Birmingham. Pet. Aug. 14. Ord. Aug. 25.

FIRST MEETINGS.

ANDERSON, HERBERT, Swinton, Steel Works Labourer. Oct. 8 at 12. Off. Rec., Figtree-lane, Sheffield.

BOULTER, GEORGE, Ogle-mews, Ogle-st., Packing Case Maker. Oct. 12 at 11. Bankruptcy-bldgs., Carey-street.

BYERS, GUY EUSTACE, Wheathampstead, Herts, Colliery Proprietor. Oct. 13 at 11. 14, Bedford-row.

CHAMBERS, C. F. M., Royal Automobile Club, Pall-mall, Motor Engineer. Oct. 11 at 12. Bankruptcy-bldgs., Carey-st.

EMMS, BERTIE OWEN, Lowestoft, Picture Frame Maker. Oct. 9 at 3. Off. Rec., 8, Upper King-st., Norwich.

JENNINGS, FRANCIS ALFRED, Harrow, Engineer. Barnet. Oct. 13 at 11.15. 14, Bedford-row.

KIRBY, EDGAR, Aberford, Boiler Fireman. Oct. 13 at 11.45. Court House, Raglan-st. Harrogate.

MACKMURDO, ARTHUR HEYGATE, Witham, Architect. Oct. 13 at 12.15. 14, Bedford-row.

MUNFORD, ALFRED, Bromley, Kent, China Merchant. Oct. 11 at 11.30. 132, York-rd., Westminster Bridge-rd.

NORTH, JOHN HENRY, and ELLIOT DONALD BROOKE, Huddersfield, Joiners. Oct. 11 at 11. County Court House, Queen-st., Huddersfield.

RAWLING, ARTHUR, Morecambe, Burler. Oct. 12 at 3. Off. Rec., 12, Duke-st., Bradford.

SEYMOUR, CHARLES, Sheffield, Joiner. Oct. 8 at 12.30. Off. Rec., Figtree-lane, Sheffield.

WILLIAMS, WALLACE, Brookland. Oct. 8 at 10.45. Off. Rec., 68a, Castle-st., Canterbury.

ADJUDICATIONS.

BERKOVITCH, LEAH, Commercial-rd., Costume Manufacturer. High Court. Pet. Aug. 30. Ord. Sept. 28.

BERRIFF, ROBERT ARTHUR, Featherstone-bldgs., Holborn, Matrimonial Agent. High Court. Pet. Aug. 13. Ord. Sept. 28.

BRUCE, ALFRED ERNEST, Ilkley, Yorks, Factor. Bradford. Pet. Sept. 29. Ord. Sept. 29.

BRUNT, WILLIAM, Sheffield, China Dealer. Sheffield. Pet. Sept. 29. Ord. Sept. 29.

COLE, WILFRED, Isle of Ely, Cambs, Tobacconist. Cambridge. Pet. Sept. 27. Ord. Sept. 27.

COX, JOHN STEPHEN, Brighton. Brighton. Pet. Aug. 6. Ord. Sept. 28.

DAVIES, ENOCH, Aberystwyth, Commercial Traveller. Aberystwyth. Pet. Aug. 12. Ord. Sept. 29.

DAWSON, GEORGE WILLIAM ROBERT, Woodstone, Hunts, Cycle Dealer. Peterborough. Pet. Sept. 27. Ord. Sept. 27.

DIXON, JOHN HENRY, Forest-row, Sussex. Tunbridge Wells. Pet. Aug. 20.

DOOK, CHARLES, Kingston-upon-Hull, Boot Dealer. Kingston-upon-Hull. Pet. Sept. 28. Ord. Sept. 28.

DRINAN, GERALD CHARLES, St. Margaret's-on-Thames, Brentford. Pet. July 21. Ord. Sept. 28.

EDWARDS, JAMES, Aberystwyth, Boots. Aberystwyth. Pet. Sept. 23. Ord. Sept. 29.

ELSTON, ERNEST JAMES, Derby, Fish Merchant's Assistant. Boston. Pet. Sept. 28. Ord. Sept. 28.

FORSYTH, J. AIKMAN, Manchester. Manchester. Pet. Nov. 6, 1919. Ord. Sept. 28.

HITCHEN, CHARLES HENRY, Barnstaple. Barnstaple. Pet. Sep. 28. Ord. Sep. 28.

LUPTON, WILLIAM, Sandpits, Birmingham, Printer. Birmingham. Pet. Sept. 27. Ord. Sept. 27.

MELLON, WILLIAM, Rotherham, Draper. Sheffield. Pet. Sept. 27. Ord. Sept. 27.

NORTH, JOHN HENRY, and ELLIOT DONALD BROOKE, Huddersfield, Joiners. Huddersfield. Pet. Sept. 28. Ord. Sept. 28.

RAWLING, ARTHUR, Morecambe, Burler. Bradford. Pet. Sept. 28. Ord. Sept. 28.

RUSSELL, JAMES WILLIAM DUNCAN, Leeds. Leeds. Pet. Sept. 27. Ord. Sept. 27.

SNOW, JOSEPH ROGERS, Leicester, Smallware Dealer. Leicester. Pet. Aug. 28. Ord. Sept. 28.

WILLIAMS, WALLACE, Brookland, Canterbury. Pet. Sept. 4. Ord. Sept. 27.

WOODS, THOMAS WARREN, Melbourn, Cambs, Baker. Cambridge. Pet. Sept. 28. Ord. Sept. 28.